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# The Career of Edward Ward Carmack and the Cooper-Sharp Trial

Robert Franklin Crutcher

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THE CAREER OF EDWARD WARD CROSBY  
AND THE CROSBY-SIMPSON TRIAL

BY

ROBERT FRANKLIN CRUTCHER

A THESIS

SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF ARTS

WESTERN KENTUCKY STATE TEACHERS COLLEGE

July 14, 1932

36555



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## INTRODUCTION

The subject of this thesis was suggested to the writer in October, 1931, by the History Department of the Western Kentucky State Teachers College. The writer at that time was considering a number of other subjects, but seeing that material could be located easily, and that the field suggested by the subject had not been covered, this subject was chosen. When much of the material had been located and examined, it was clearly seen that the material in the field could be grouped under two heads and given this title, "Career of Edward Ward Carmack and the Cooper-Sharp Trial".

Most of the material was found in the newspaper files of the Tennessee State Library of Nashville, Tennessee, which had the Nashville Tennessean, Nashville Banner, and the Nashville American on file for the period involved. Some secondary material was also found in this library. The Peabody Library of Nashville also furnished some materials, such as speeches and a few other articles from secondary sources. The Louisville Free Public Library furnished some of the material, mostly secondary material which covered other phases of the history of the state through this period from 1858 to 1909. The Library of the Western Kentucky State Teachers College furnished some source material such as Congressional Records, Historical Society reports and papers, and also a good supply of secondary material.

The writer is also indebted to Professor William R. Webb of Bellbuckle, Tennessee, for some original material which he gladly furnished. He feels indebted to Mrs. Georgia Griber Ruble, of Bowling Green, Kentucky, for the information she furnished in several interviews. Furthermore he feels indebted and very grateful to Mrs. E. W. Carmack for her suggestions and letters containing valuable information.

It is the aim of the writer to give a good historical account of E. W. Carmack's life and the stormy times in Tennessee surrounding his death. The effort was made to secure as accurate information as could be found. However it may seem, the material upholds the statements made in all cases noted.

It is with sincere gratitude that the writer acknowledges the results herein achieved from using this material, to be due to the suggestions and kindly efforts of others. The valuable assistance of the teachers of the Western Kentucky State Teachers College in correcting the manuscript is also acknowledged. The writer hopes that this preparation will be found to measure fully up to the expectations of a discriminating public.

Bowling Green, Kentucky,  
July, 1932



## CHAPTER I

### LINEAGE AND EARLY CAREER OF EDWARD WARD CARMACK PRIOR TO 1896

#### Ancestry of the Carmacks

"There are some spirits nobly just, unwarp'd by pelf or pride,  
Great in the calm, but greater still when dash'd by adverse tide;  
They hold the rank no king can give, no station can disgrace;  
Nature puts forth her gentlemen and monarchs must give place."

When Queen Elizabeth ruled England and Britons began to develop into a great industrial and maritime people, the inhabitants from one part of the realm would move into another part and settle down, making that part of the country their home. It was in this age and the few decades following that many Scotchmen left their homes in Scotland, crossed the North Channel, and settled in Ireland. Some of these new settlers made their way into the northern part of Ireland into that province we know as Ulster and into the maritime county of Antrim. This county is one of the most beautiful sections of Ireland and is the home of many honest industrious people.<sup>1</sup>

In this county in those early times there lived a Scotchman by the name of Robert Stephenson, who reared a family that was to be made known by its posterity. Four members of this family came to America, namely, William, James, Elizabeth, and Nancy, all of whom settled in York and Chester counties, South Carolina, and had been living there for some few years when the Revolutionary War broke out. William was a Revolutionary War soldier, volunteering from York and Chester counties, commonly called Stimson County, South Carolina.<sup>2</sup>

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<sup>1</sup> International Encyclopedia (New York, Dodd Mead & Co., 1927), Vol.I; p.729.

<sup>2</sup> Quoted from an unpublished letter found in the archives of the State Library, Nashville, Tennessee, and which was written by J.C.Stephenson, from the Stephenson Family Book, which was published by the Cumberland Press in 1906 and a copy of which is now in the possession of J.C.Stephenson, Chattanooga, Tennessee.

By these four persons, just mentioned, four families became prominent in this southern colony. The first one was reared by William Stephenson, who married a Miss Beattie, also of York and Chester counties, South Carolina. To this union were born five sons and two daughters. The first son, Hugh W. Stephenson, married in York county, South Carolina, and emigrated to Tennessee. Of John, the second son, we have no record. Robert, the third son, married Nancy Agnew of South Carolina and reared a family of six children. Of James and William, the fourth and fifth sons, respectively, no records are found. Elizabeth and Nancy, the twin daughters, were born 1787. The mother died the day of their birth. William Stephenson was married the second time to Elizabeth Wylie, and to this union were born two sons and two daughters, namely, Samuel, Mary, Daniel Green, and Catherine Stephenson. This was a remarkable southern family of seven sons and four daughters.

The second family was reared by James Stephenson,<sup>1</sup> who came from Ireland along with his brother, William. This was a family of three sons and three daughters. Hugh, the first son, married Margaret Presley in South Carolina in 1790, and emigrated to Smith County, Tennessee, and to Lawrence County, Alabama, in 1820. Margaret, the first daughter, married Hugh W. Stephenson, her cousin, in South Carolina. Of John, the second son of this family, we have no record. Mary Anne, the second daughter, married a man named Sandifer. Robert, the third son, married in 1776 and moved to the West. His son, William, volunteered from Tennessee and was in the battle of New Orleans. Rebecca, the third daughter, married Hugh Campbell in Tennessee and lived in Maury County of that state.<sup>2</sup> Such is the history of the second family of the

<sup>1</sup>The surname for the wife of James Stephenson was not found, but her given name was Nellie. Wesley Smith, Stephenson Family Book (Nashville, Cumberland Press, 1906).

<sup>2</sup>Wesley Smith, Stephenson Family Book (Nashville, Cumberland Press, 1906).

Stephensons.

The third family is represented by Elizabeth Stephenson, who married Alex Brady in Ireland, emigrated to South Carolina, settled in York and Chester counties, and whose descendants intermarried with the Cowan family in that state. A daughter married William B. Lynn and lived about five miles north of Chester, South Carolina.<sup>1</sup>

The fourth family was that of Nancy Stephenson, who married William Anderson in Ireland, in 1772. To them were born one daughter and two sons, Mary, Robert, and William, respectively. The father, William Anderson, was killed in the Revolutionary War, in 1780. Nancy, his wife, married Daniel Green, another Revolutionary soldier; no children were born to this union. The daughter, Mary, by the first husband, married Joshua Smith in South Carolina and, after living a while on the Catawba River, emigrated to Robertson County, Tennessee. Robert Stephenson, the first son in this family, married Jane Barber in South Carolina and moved to Giles County, Tennessee. Of the second son, William, we have no further record. To Joshua and Mary Smith, mentioned above, were born one son and two daughters. The son, the Reverend Wesley Smith, wrote a family history containing most of the information here given about the Stephenson families. Patience Bland, the first daughter, married Dan S. Gurley. Nancy Agnes, the second daughter in the family, married Cornelius Carmack, grandfather of the late E.W.Carmack, and lived in Lauderdale County, Alabama.<sup>2</sup>

This is the record of the ancestry of Senator E.W.Carmack traced from his grandmother back to the early colonial days and to Ireland and Scotland. For his ancestry from his grandfather, on the side of the Carmacks, we have but few facts that are authentic. From the best records that we have been able to

<sup>1</sup> Wesley Smith, Stephenson Family Book (Nashville, Cumberland Press, 1906).

<sup>2</sup> Ibid.

find there is evidence of the Carmack family living in Maryland in very early times.

John and Elizabeth Carmack were living in Maryland in 1750; We quote here a portion of the old family record<sup>1</sup> of the Carmack family: "Cornelius Carmack, son of John and Elizabeth Carmack was born the first day of April in the year 1750 and died March 26th 1820." Cornelius was married to Mary Cookson, the daughter of Samuel and Jane Cookson, October 8, 1778. Mary Carmack died May 27, 1813. In this family were born nine daughters and five sons. Their names and dates follow respectively; Elizabeth, October 6, 1773; John, August 17, 1775; Rachael, July 6, 1777; Susannah, June 5, 1779; Samuel, December 26, 1781; William, February 24, 1784; Sarah, April 4, 1786; Isaac, March 25, 1788; Mary and Eleanor, March 12, 1790; Nancy, January 21, 1792; Hannah, August 18, 1793; Cornelius, August 30, 1794; Catherine, September 20, 1796; and James, December 31, 1798.<sup>2</sup> We do not have any records of when this family came west, but it is very probable that several members of it had crossed the mountains into East Tennessee and northern Alabama by 1820. By this time the family was very numerous, and members of it were in several counties of east Tennessee.

Cornelius Carmack, the second member of this family, was living in Alabama at the time of the Indian Wars of 1836-1839. He was captain of a company of mounted volunteers from Lauderdale County.<sup>3</sup> He was married to the above mentioned Nancy Agnes Smith and reared a large family. One son, Frances McMillan

<sup>1</sup> The Carmack Family Record, found in an old book bought in east Tennessee by a Mr. Hooberly and presented to the archives of the State Library, Nashville, Tennessee, August 12, 1927.

<sup>2</sup> From the Carmack Family Record in the Archives of the State Library, Nashville, Tennessee.

<sup>3</sup> A record of the payrolls of the Indian Wars of 1836-1839 in the American Historical Society, American Historical Association Annual Reports 1904 (Washington, Government Printing Office, 1905), p.517.



Carmack, came to Tennessee, settled at Castalian Springs in Sumner County, and was living there just prior to the Civil War. He was married to Elvira (Kate) Holding,<sup>1</sup> and they became the proud parents of a son, Edward Ward Carmack, November 5, 1838.<sup>2</sup>

#### Edward Ward Carmack's Historic Birthplace

Castalian Springs is located in one of the wealthiest and most picturesque sections of Tennessee. In the early times in the settling of that section of Tennessee, this place was named Bledsoe's Lick, commonly known as Bledsoe Station.<sup>3</sup> It is in that part of Tennessee which was included in the purchase of Colonel Richard Henderson. This purchase included most of Kentucky and that part of Tennessee which lies north of the Cumberland River. The boundaries of this territory were as follows: "beginning at the mouth of the Kentucky River on the Ohio and extending up the Kentucky River to the highest spring; thence across the mountains to the highest spring of the southern branch of the Cumberland River; thence down the Cumberland River to the Ohio; thence up the Ohio to the point of beginning." If this enterprise had been successful, Bledsoe's station might have been in the state of Transylvania, as this purchase was called the Transylvania Purchase.<sup>4</sup>

This station was first settled by Isaac Bledsoe in 1780; hence the name Bledsoe's Station.<sup>5</sup> This man also was connected with some of the early events of settling the boundary line between Tennessee and Kentucky. In 1780 Dr. Thomas Walker, with a company of surveyors, attempted to establish the line between these two states. This party went as far west as Todd County, Kentucky,

<sup>1</sup> Letter copied by J.C. Stephenson from the Stephenson Family Book in the Archives of the State Library, Nashville, Tenn.

<sup>2</sup> Allen Johnson, Dictionary of American Biography (New York, Scribners, 1929), p. 496.

<sup>3</sup> S.O. Williams, Early Travels in the Tennessee Country (Johnson City, The Watauga Press, 1928), p. 334.

<sup>4</sup> Ben T. Davis, Proceedings of the Twenty-fourth Annual Meeting of the Kentucky State Bar Association, held at Bowling Green, Ky., July 1 and 2, 1924 (Louisville, Westerfield Bunte Co., 1925), p. 180.

<sup>5</sup> G.R. McGee, History of Tennessee (New York, American Book Co., 1911), p. 87.

marking the line on trees as they went through the forest. Just a few years ago it was reported that there was only one solitary tree in the country anywhere which bore the mark of Walker's party. It was described as a beech about three feet in diameter standing near the bank of Red River, about three miles from the mouth of Whipoorwill in Logan County, Kentucky. It was marked with a narrow hatchet, and with chops fore and aft. It had several names cut in the bark and the date, March 11, 1786. On the other beech trees around near to the large one are names of "James West, 11th of March 1780" and "Isaac Eledsoe, 11th of March 1780" both supposed to be of Walker's party. This tree, if still standing, is the only remaining mark made by Walker's party in this survey more than one hundred forty-five years ago.<sup>1</sup> It was through the efforts of this surveying party that people found out whether they were in Tennessee or Kentucky.

In later years, when Eledsoes Station grew to be a medium-sized village, the name was changed to Castalian Springs, and still later it became the birthplace of two United States Senators, William B. Bate and Edward Ward Carmack.<sup>2</sup>

William B. Bate was born near Castalian Springs in the year 1826. By the time he was twenty-two years old he had completed his academic education, had been a clerk on a steamboat, and had been a soldier in the Mexican War. By the time of the Civil War he had served as Attorney-General and had been offered the nomination for Congressman of his district. He became an officer in the Civil War, serving with distinction and rising to the rank of Major-General. He served as Governor of his state from 1883-1887. When his term as Governor was over, he was elected United States Senator and served in that body until his death in March, 1905. William B. Bate was thirty-two years old when Edward W. Carmack was born.

<sup>1</sup> Ben T. Davis, Proceedings of the Twenty-fourth Annual Meeting of the Kentucky State Bar Association (Louisville, Westerfield Bunte Co., 1925), pp. 175-181.

<sup>2</sup> S. C. Williams, Early Travels in the Tennessee Country (Johnson City, The Watauga Press, 1928), p. 334, foot note.

Just across the country a short way, on an adjoining farm, not a mile away and almost in sight of the old Bate homestead, Carmack was born. He was to become Bate's junior partner in the United States Senate. Carmack lived among Bate's neighbors and friends, listening with rapt attention to the stories of camp and conflict as they fell from the lips of those heroic veterans who were his followers and comrades in battle. Carmack, from his early boyhood, was deeply imbued with the spirit of personal devotion to Bate and in later years became his personal friend and supporter in all his political contests. Inborn qualities strengthened the love of these men for each other and made it lasting. The affectionate relations between these men and their families were lasting and were among the most precious blessings enjoyed by them.<sup>1</sup>

#### The Early Life of Mr. Carmack

Mr. Carmack's father, who was a minister of the Christian Church,<sup>2</sup> died when Edward was a small boy, leaving the family entirely without means. Young Edward worked on farms and at brick yards helping to support the family. When other youngsters were going to school, he was following the plough for twenty-five cents a day. There was something under his shock of red hair, and, with his mother's aid, his footsteps were turned toward a path which led to the world and education. It is said of him that when he was at work on the farm he would frequently carry a book to the field and, while his horse was resting, would read the book.<sup>3</sup> While working in the brick yard, he would catch every moment that he

<sup>1</sup> Congressional Record (Washington, Government Printing Office, 1907), Vol. XLI, Part II, p. 1265.

<sup>2</sup> Allen Johnson, Dictionary of American Biography (New York, Scribners, 1929), Vol. III, p. 496.

<sup>3</sup> Mrs. Georgia Arrier Ruble of 1236 Chestnut Street, Bowling Green, Ky., who is a near relative of the Carmacks, tells the following story: When Edward was working on a farm near Columbia, Tennessee, the owner of the farm who had Edward hired sent him out one afternoon to plow some corn. Ned, as he was called in his youth, stole his book out without the farmer knowing it. Late in the afternoon, when the farmer missed the horse and Ned both, upon noticing that he had not plowed very much, he decided he would go over and see what was the matter. To his great surprise he found the horse standing at the end of the corn rows, where he had been for hours and young Ned out in the shade, sitting where he had been for several hours, reading his book, completely absorbing its contents.

could to read and at night and the noon hour would use his spare moments to read and study, in order to get an education. He attended the county schools of his county, receiving what education he could, as other boys did at that time.

Friends asked him to attend the famous Webb School at Culleoka, Tennessee, now at Bellbuckle, then owned and controlled by Professor William R. (Sewanee) Webb, now directed by his son, and namesake, William R. Webb, Jr. Professor Webb was doubtless a great personal friend of Mr. Carmack, and throughout his entire life he always would show a personal interest in him. When young Carmack was in school at the Webb School, he was very studious and learned fast, even then he could use satire, in which he was a master. Professor Webb was extremely proud of Carmack's brilliant record and was very fond of discussing his experiences with him. It has frequently been stated that Ned Carmack was expelled from the Webb School, and Professor Webb was always quick to deny this statement. The facts in the case are as follows: At the time that Carmack was in school at Culleoka there was also in the school an unusually fine boy by the name of Joshua Harrison.<sup>1</sup> Harrison was a candidate for the ministry and later became a very effective Methodist minister. Harrison was a bit older than the other boys, and he had some preconceived notions about the ministry and had already adopted an affected ministerial air. A mannerism of this kind was always objectionable to Professor Webb, and he was tactfully trying to eliminate it in the case of young Harrison. Carmack also objected to it and was not particularly tactful in his attacks upon it. Harrison concluded that a revival was needed among the school boys, and he organized the religious forces of the school for a meeting of this kind. Carmack began to make sport of Harrison and finally organized "the sinners" into a revival meeting to run concurrently with

<sup>1</sup> From an unpublished letter written by Professor W.R. Webb, Bellbuckle, Tenn., to the writer, dated February 3, 1932, and in the writer's possession.



the religious meetings. Harrison protested to Professor Webb, saying that he could not accomplish anything worthwhile with his religious meetings while Carmack and his friends were making so much sport of his efforts.

Professor Webb immediately sent for Ned Carmack and made inquiry about the revivals. Carmack very frankly stated that it was impossible for him to keep from making fun of Harrison with his long-tailed coat and his longer face and that he could not promise not to be guilty in the future. Professor Webb then suggested that Carmack return home during the short while that Harrison's revival was going on. This was only a week's absence. It happened that this was at the end of the school term, and Carmack concluded that, since it was but a short time until school would close, he would not go back. He did return, however, for the Commencement exercises and appeared with his class on the Commencement program, a thing that would not have been permitted had he been expelled or even suspended. Besides the Webb School, Carmack attended, for a short while, the Jacinta Academy in Mississippi.

Mr. Carmack was not a devoutly religious man, although he was a member of the Christian Church in the later years of his life. While prominent as a politician and a very busy man, he would find the time to attend church occasionally. It is said of him that while travelling on a train he chanced to meet his old schoolteacher and friend, Professor Webb, who suggested to him that he ought to unite with the church and set the example for others. The next year they chanced to meet on the train again, and Mr. Carmack informed Professor Webb that his suggestion had been complied with just a short while

before.<sup>1</sup>

After leaving school Mr. Carmack read law at home and in a lawyer's office at Columbia, Tennessee, where he was admitted to the bar in 1879.<sup>2</sup> After practicing law for a short while he was elected to the State legislature in 1884,<sup>3</sup> from Maury and Williamson Counties. Mr. Carmack by this time had become a leader of the Democrat party in his section of the state and was a fearless debater who could not be equalled except by a few men then. It was a custom then for the majority party in the Legislature to nominate the candidates for the Secretary of State, Treasurer, and Comptroller by a caucus of party leaders. Mr. Carmack was opposed to this, and on January 13, 1885, he made a speech in the General Assembly against this custom and against the Speaker of the House, Manson, who favored it. He introduced a resolution which reads as follows: "Resolved that it is the sense of this meeting that the offices of Secretary of State, Treasurer, and Comptroller should be filled by the Legislature as the Constitution and laws of the State require and not by Caucus."<sup>4</sup> It was before this meeting of Senators and Representatives that

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<sup>1</sup> The story of how Mr. Carmack was influenced to join the church is told by Professor W.R. Webb in a letter dated February 3, 1932, and reads as follows: "Many years later when Mr. Carmack had become prominent in politics, Professor Webb was travelling on the same train with him. Naturally my father drifted into a discussion of political questions. Mr. Carmack replied, 'I can discuss politics at any time, but now that I have a chance to talk with you I wish to discuss my son.' He began to tell Professor Webb the ambitions that he had for his boy. Professor Webb saw in this conversation an opportunity to be of further help to Mr. Carmack and suggested to him that he ought to set, in all respects, the right kind of example to his son and suggested that Mr. Carmack ought to unite with the church as a part of this program. Mr. Carmack quickly replied 'The boy's mother will look after his religious development.' Professor Webb answered, 'Every boy has a right to be reared by a God-fearing Christian father. Don't rob your boy of his birthright.' About a year later Professor Webb met Mr. Carmack again on the train. Mr. Carmack mentioned to him, as Professor Webb sat down beside him. 'My boy at last has his birthright, I have just united with the Church.'"

<sup>2</sup> National Encyclopedia of American Biography (New York, James H. White & Co., 1906), p. 300.

<sup>3</sup> Allen Johnson, Dictionary of American Biography (New York, Scribners, 1929), Vol. III, p. 496.

<sup>4</sup> "Mr. Carmack Argues Against a Caucus", Nashville Banner, January 18, 1885, p.3.

Mr. Carmack's ability and influence began to be felt and when he first exhibited his pluck in political warfare.

#### Carmack's Career as Editor

When Mr. Carmack had practiced law only for two years at his home town of Columbia, he became editor of the Columbia Herald in 1885. He had not become as widely known as he wanted to be; so he developed a passion for writing, and this became known to a few people who owned newspapers or published them. Just about this time "Dunc" Cooper suddenly became the owner and proprietor of the Nashville American. Cooper won the paper in a poker game from W.I. Cherry. Cherry owned the controlling interest, and when it came to the final settling of his gambling debts with "Dunc" Cooper, he found that he owed him \$175,000. He paid the debt in stock of the American.

Cooper heard of Carmack's writings and asked him to come to Nashville and join the American's staff. Carmack accepted and became a reporter and a contributor to the editorial columns in 1886. Here his career with newspapers began. In the course of a year he was writing the American's leading articles and attracting the attention of the entire state.<sup>1</sup> Mr. Carmack remained with the American for two years, when in 1888 he founded the Nashville Democrat,<sup>2</sup> becoming the chief editor. Soon this paper was merged with the Nashville American, and Mr. Carmack became the editor-in-chief of that paper.<sup>3</sup> The aim of Mr. Carmack, in his editorial career, was to fight for "good government" and the "prohibition of the liquor traffic". He became known as an "able editor who excelled in the use of ridicule and invective."<sup>4</sup>

<sup>1</sup> "Assassination of Senator Carmack as the New York World Sees It." Nashville Tennessean, January 27, 1909, pp. 1 and 10.

<sup>2</sup> J.T. Moore, Tennessee the Volunteer State (Nashville, S.J. Clark Publishing Co., 1923), p. 83.

<sup>3</sup> Al N. Marquis, Who's Who in America, 1908-1909 (Chicago, A.N. Marquis Co., 1909), p. 300.

<sup>4</sup> Allen Johnson, Dictionary of American Biography (New York, Scribners, 1929), Vol. III, p. 496.



During the time of his career as editor-in-chief of the Nashville American, he was married to Miss Cobey Dunnington of Columbia.<sup>1</sup> It was a happy marriage and proved most fortunate for each of them. Mrs. Carmack is living yet in Columbia, Tennessee (1932).<sup>2</sup> To this union one son was born, Edward Ward Carmack, Jr., who lives and practices law now at Columbia, Tennessee, and Birmingham, Alabama.<sup>3</sup>

Mr. Carmack's reputation as an editor continued to grow year by year, and he was becoming more popular all the time. This brought him an offer from the Commercial Appeal of Memphis, Tennessee, and he went there to become editor of that paper in 1892. "His fame went beyond the borders of the state of Tennessee. He was acknowledged to be a master of English, and his freedom of expression made his career in Memphis famous."<sup>4</sup> "His manner and style were those of John Randolph but Carmack possessed greater versatility. His course in public affairs commanded enthusiastic followers and developed bitter enemies. What he decided was right he supported with all the vigor at his command and what he thought was wrong he condemned with vitriolic ridicule and wit."<sup>5</sup> Mr. Carmack was a good writer, a brilliant speaker, and had now become a great editor of the old fashioned type, and during his brief and restless career as editor he was one of the most influential men that the State of Tennessee has ever produced.

While at Memphis, Mr. Carmack trained a great newspaper man, who became famous in after years as an editor, Mr. C. P. J. Mooney. Of the Nashville editor and statesman, Mooney has this to say: "I came to know Mr. Carmack in 1892 in Memphis. I was then a reporter on another paper, and from the time I first met him, I learned to like him and to respect him. He was editor-in-chief

<sup>1</sup> J. T. Moore, op. cit., p. 85.

<sup>2</sup> From a letter written by Mrs. E.W. Carmack, of Columbia, Tennessee, to the writer and now in his possession.

<sup>3</sup> From an interview between the writer and Mrs. Georgia Grider Rubble, of 1236 Chestnut Street, Bowling Green, Kentucky.

<sup>4</sup> "The Assassination of Mr. Carmack as the New York World Sees It," op. cit.

<sup>5</sup> Allen Johnson, op. cit. Vol. III, p. 496;



of the Commercial Appeal until 1896, when he resigned because of a difference of political opinions between himself and the owners of the paper."<sup>1</sup> At another time Mr. Mooney tells us that while Mr. Carmack was in Nashville, some newspaper men in New York wanted him to get Mr. Carmack to come to New York. He mentioned the fact to Mr. Carmack, who promised to give the matter his earnest consideration, but he declined to accept the position offered him. About two months later Mr. Mooney got another letter from a New York editor asking him to get Mr. Carmack to come to New York. The letter read like this: "Want you to go to Nashville to get Carmack; we need him; get him; kidnap him."<sup>2</sup> Mr. Mooney presented the letter to Mr. Carmack, who gave it further consideration but finally declined this offer for all time. The writer failed to find any authentic information as to what New York paper was meant, but in his opinion, derived from other sources, the New York World is the paper under consideration. Mr. Mooney died recently, having been connected with the Memphis Commercial Appeal since Carmack left that paper in 1896. He was a living disciple of Mr. Carmack's as well as a mighty man with the pen, reflecting the training received under this one of the greatest editors of the Southland.

Mr. G. T. Fitzhugh in his unveiling oration said, "An accomplished scholar who had come into personal contact with the mightiest intellects of his generation placed him as an editor in the select class of Charles A. Dana, Joseph B. McCulloch, Henry J. Raymond, and Horace Greely, declaring that 'As a commentator on events and on men, as the advocate of living principles, American Journalism has rarely known his equal and never his superior.'"<sup>3</sup> Many statesmen have conceded the fact that Mr. Carmack was forceful with either tongue or pen. The foremost journal at the nation's capital, in a leading editorial,

<sup>1</sup> Tribute to Carmack by C.F.J. Mooney", Nashville Tennessean, March 17, 1908, p.6.

<sup>2</sup> Ibid.

<sup>3</sup> Guston T. Fitzhugh, Oration at the Unveiling Ceremony of the E.W. Carmack Statue, June 6, 1925 (Nashville, 1925), p.3.

widely reproduced, voicing the conviction not of its independent and brilliant editor only, but of the country as well, declared: "He would have been an ornament to British parliaments that knew Burke, Fox, and Pitt. He would have been distinguished in American Senates with Clay, Calhoun, and Webster. Where are the people who did not respect him? Where was the person who did not admire him? All the wealth could not buy his lofty character nor his unblemished honor."<sup>1</sup>

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<sup>1</sup> Guston T. Fitzhugh, Oration at the Unveiling Ceremony of the D.W. Carmack Statue, June 6, 1925 (Nashville, 1925), p.3.



## CHAPTER II

### MR. CARMACK'S CAREER IN CONGRESS FROM 1896 TO 1907

In the House of Representatives from March 4, 1897, to March 3, 1901.  
In the United States Senate from March 4, 1901, to March 3, 1907.

#### The Bryan Campaign for the Presidency and Carmack's Election to Congress in 1896.

In 1896 President Cleveland, who had served in the White House eight years, but whose two terms were separated by a single term served by Benjamin Harrison, was so unpopular that the Democratic party did not even care to nominate him again for the Presidency. When this campaign came on, the two main issues discussed were the "gold standard" and "free silver", the former adopted by the Republican party as their main plank in their platform and the latter by the Democrats.<sup>1</sup> With the hard times that began in 1893 and lasted for several years the movement became more aggressive and almost universal throughout the states from the Missouri River to the Pacific Ocean. From all parts of the West arose a demand for governmental relief from the financial ills of the oppressed people. This demand on the part of the West gave rise to the two questions just mentioned, and so strong was the demand from this section of the country that these Westerners urged the issuance of paper money on a large scale.<sup>2</sup>

Thousands of editors, politicians, and public speakers discussed this question until even the children felt that the wrong done to the West by the Administration and Wall Street could be righted only by the free coinage of silver at the ratio of sixteen to one.<sup>3</sup> So great had this question become

<sup>1</sup> R.L.Ashley, American History (New York, MacMillan Co., 1921), p. 480.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

that it dominated the national conventions at that time, especially the Democrat convention, which met in Chicago that year. The Republicans, who held their convention in the same city, earlier, sought to subordinate the money question and make the main question protection but declared their opposition to the "free silver" question. They nominated William McKinley of Ohio as their candidate for the presidency.

When the Democrats met, it was clearly seen that there would be two factions: one the "gold standard" Democrats, and the other, the "free silver" Democrats. The "free silver" men outnumbered their opponents and succeeded in getting the free-silver platform adopted. During the debate on this platform on the floor of the convention, a remarkable speech was made by William J. Bryan of Nebraska, in which he said some very powerful and moving things. The convention was in an uproar, but the minute that Bryan appeared on the stage the convention quieted to hear what he would say. In this speech Mr. Bryan said, "We answer the demand for the gold standard by saying, 'You shall not press down upon the brow of labor this crown of thorns. You shall not crucify mankind upon a cross of gold.'"<sup>1</sup> After this speech the convention went wild with enthusiasm. Bryan was nominated not only by the silver Democrats but by the silver Republicans, who bolted the regular Republican party, and by the Populists as well. The campaign was on, and Bryan visited almost every state in the Union. The Republicans were victorious, and Mr. McKinley was elected; the gold standard had triumphed. McKinley and Bryan were again the nominees in 1900. The contest in this campaign was as close as in the previous one of 1896.

The first Bryan campaign was closely contested in Tennessee but usually resulted in a victory for the free silver candidate. In 1892 Mr. Carnack resigned as editor of the Nashville American to go to Memphis to be editor of

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<sup>1</sup> R. L. Ashley, American History (New York, Macmillan Co., 1921), p.481.



the Commercial Appeal, and while occupying that position gained much prominence by his vigorous and forceful editorials.<sup>1</sup> He had opinions on all public questions and earnestly expressed them. In this campaign of 1896 Josiah Patterson, father of Ex-Governor M. R. Patterson, was a candidate for Congress from the 10th district of Tennessee, or the Memphis district. He was the nominee of the regular or gold standard Democrats, was on the regular ticket, and expected the Commercial Appeal to support his candidacy. Mr. Carmack had espoused the cause of free silver with all his heart and soul and wanted Patterson to declare himself on the question, but he would not. Carmack refused to support him. The men who owned the Commercial Appeal then informed him that as he was not the owner he would write according to their directions. Carmack refused, resigned his editorial position, and took the field against Mr. Patterson.<sup>2</sup> He entered into this campaign with all the vigor and power that he had, making as many speeches as he could and working in the interest of a victory for free silver. He charged that Patterson, while claiming the support of the regular Democrats, had accepted \$5,000 from the campaign committee of Palmer and Buckner,<sup>3</sup> who were the gold standard Democratic nominees for President and Vice-President respectively. Mr. Carmack had been a delegate at large from the state of Tennessee to the national convention in 1896.<sup>4</sup> At this convention he heard the wonderful speech that William J. Bryan made, and that enriched him with renewed enthusiasm. When he came back to Memphis and waged his political campaign more vigorously against Mr. Patterson, he won the voters over to him by the hundreds and thousands. Mr. Carmack was elected after

<sup>1</sup> J.G. Cisco, Historic Sumner County (Nashville, Folk-Keelin Printing Co., 1909), pp. 239-244.

<sup>2</sup> "Assassination of Mr. Carmack as the New York World Sees It." Nashville Tennessean, January 27, 1909. pp. 1 and 10.

<sup>3</sup> Ibid.

<sup>4</sup> J.T. Moore, Tennessee the Volunteer State 1769-1923 (Nashville, S.J. Clarke Co., Publishers, 1923), Vol. II, p.85.

a most sensational campaign.

Mr. Patterson then contested his seat in Congress. He contested this election from evidence collected in his own district around Memphis. This was taken before the House of Representatives. When Mr. Carmack made his initial bow in Washington in 1897, he found that he had a contest on his hands and that was his election contest with Patterson. Mr. Patterson was the soundmoney candidate of the Democrats, and as the House of Representatives was Republican, he thought he could rely upon the solid Republican vote. Every one else thought so but Mr. Carmack. "Not a Democrat in the house believed that he had the slightest chance to retain his seat." The day came for the contest to be heard in the House of Representatives. When the opposition had produced all the evidence and Mr. Patterson had made his plea for the seat in Congress, it was then up to Mr. Carmack to make his plea for the seat. Carmack took the floor in his own defense and literally laughed Patterson out of the contest.<sup>1</sup> His eloquence and sarcasm won him the seat, and to the great surprise of the Democrats enough Republican members voted for him to overcome the adverse reports and the Patterson opposition.

Mr. Carmack was practically a young man when he entered Congress. From the time that he made this speech he was recognized at his proper worth.<sup>2</sup> He entered as a member of the 55th Congress. "He looked like a boy and acted like one, but he spoke like a nestor in politics and reasoned like a John Marshall. His sentences were diamond polished, and his words cut like damascene steel."<sup>3</sup> As an orator he was irresistible, making his speeches, as experience trained him, more forceful than ever. "His speeches read like prose poems.

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<sup>1</sup> "Former Senator E.W. Carmack Shot to Death in the Streets of Nashville", Courier-Journal, November 10, 1908, p. 1.

<sup>2</sup> Ibid.

<sup>3</sup> "Honor the Theme", National Tribune (Washington, November 12, 1908), p. 8.



he was far and away ahead of Bryan in Bryan's best moments."<sup>1</sup> Although he did not have the charm of personalities that Bryan had, Bryan was a blacksmith beside this Tennessean when it came to flinging the English language into the air. "Carmack had a vocabulary like Ingalls and in physique almost his prototype, except that Carmack was red-headed and pink-checked, where Ingalls was dark Machiavellian, but either would have given up his hopes of Heaven to make an epigram."<sup>2</sup>

While Mr. Carmack was making this his first speech in Congress, there occurred one of the most dramatic scenes ever witnessed in Congress; "Members stood on their seats, that they might not lose a syllable of his logic, while with breathless attention they listened to his thundering appeals in behalf of the South that burned into the hearts of all."<sup>2</sup> Never before had such a speech been heard in Congress; it attracted attention from all parts of the Union and fixed Mr. Carmack's position in the estimation of the public to be a great orator and logician. It was in this speech against Mr. Patterson that he rendered his tribute to the South, which one finds today on the walls or mantles of nearly every Southern home he enters. The city of Washington rang with the name of Carmack, and the whole country accepted the verdict that a genius had sprung from Tennessee.<sup>3</sup>

A great writer who heard this speech and who was Mr. Carmack's political enemy said of it; "If I were asked to cite the most beautifully pathetic and the most loftily patriotic burst of eloquence that ever fell from the lips of an American orator, I should render Carmack's tribute to the South. It

<sup>1</sup> "Honor the Theme", National Tribune (Washington, November 12, 1908), p. 8.

<sup>2</sup> Ibid.

<sup>3</sup> J. C. Cisco, Historic Sumner County (Nashville, Folk-Keelin Printing Co., 1909), pp. 238-244.

<sup>4</sup> "Assassination of Mr. Carmack as the New York World Sees It." Nashville Tennessean, January 27, 1909, pp. 1 and 10.

was my happy fortune to hear it as it fell from his own lips."<sup>1</sup> This writer tells us also about the scene on the day of the speech. "I was transfixed with wonder that turned to rapture ere he finished the noble sentiment." The entire house was entranced, Republicans as much so as Democrats. "I have seen the House moved to more tumultuous applause by William L. Wilson and Bourke Cockran, but never in my time - now more than thirty years - has that house been so profoundly impressed, so deeply stirred, as when Mr. Carmack bowed and sat down that day. There were too many tears for riot."<sup>2</sup> His glowing tribute is found elsewhere in this thesis.

#### Mr. Carmack's Services in the House of Representatives

Mr. Carmack's career in the House of Representatives was brilliant to the end. The whole South was proud of him, and his state reveled in claiming him as a favorite son.<sup>3</sup> While Mr. Carmack was in the House, he measured swords with the most warlike members there. In that staid old body he was one of the strongest in debate, one of the most logical reasoners that was ever encountered by any one. He struck right and left, age, length of time in service, nor traditions ever touched him. He considered that he had as great a right to speak, to think, as the oldest time server there, and he parried thrusts with the weightiest minds there, coming out victorious always.<sup>4</sup> The blunt, brusque, bitter-tongued Tillman crossed swords with him, and his gaping wounds did not heal for many months. Indeed the two were never friends afterwards.<sup>5</sup>

Mr. Carmack made many brilliant speeches and was admired by men of both parties. He was a very popular man, and every one in Washington knew him. In his hotel where he lived there was rarely a night passed that the rooms were

<sup>1</sup> E.B. Newman, In the Pennyville of Old Kentucky, Men, Things and Events (Washington, Sudwarth Co., 1911), pp. 135-142.

<sup>2</sup> Ibid.

<sup>3</sup> "Assassination of Mr. Carmack as the New York World Sees It", op.cit.

<sup>4</sup> Ibid.



not filled to overflowing with friends, anxious to listen to his wit and to come in contact with his personality.<sup>1</sup>

In the national councils Carmack took the place left vacant by the transfer of Lamar to the Cabinet and the bench. Though so prodigally endowed by nature, Carmack trod no royal road to civic eminence. The rich soil of his mind was ceaselessly cultivated. He burned the midnight oil in preparing to meet the questions and to be able to be parried with ~~by~~ the mighty minds that were leaving their impress upon the world. While the others slept, he delved into the lore of past ages, digested and assimilated the wisdom of those who had gone before. That was what made him feared in intellectual combat as neither Ingalls nor Reed was feared.<sup>2</sup> To put the measurement of Mr. Carmack in military terms, it can be said that he was not "out generaled" by any one. Mr. Carmack is not to be compared with Ben Hill<sup>3</sup> or Judah P. Benjamin<sup>4</sup> or James S. Green,<sup>5</sup> and he was as different from Robert Toombs<sup>6</sup> as the rapier of Crichton is from the hammer of Thor.<sup>7</sup> These men were all great men coming into prominence by a long life of experience,

<sup>1</sup> "Mr. Carmack was Popular During His Residence in Washington", Courier Journal, November 12, 1908, p. 1, col. 2

<sup>2</sup> E.B. Newman, op. cit.

<sup>3</sup> Benjamin Hill of Georgia, (1823-1882) Member of Confederate Congress, 1861. Elected to the Confederate Senate, 1861. Elected to the U.S. House of Representatives, 1875, and to the U.S. Senate, 1876. His statue erected in Atlanta in 1886. International Encyclopedia (New York, Dodo, Mead & Co., 1927), Vol. II, p. 291.

<sup>4</sup> Judah Philip Benjamin, a Jew born in St. Croix in the West Indies, Secretary of State in President Davis's cabinet, being elevated to that position from Attorney General through the Secretary of War. Escaped being captured, 1865. Went to England by way of the Bahama Islands. Studied English law and was the Queen's counsellor in 1872. Died in Paris, 1884. J.G. Wilson and John Fiske, Appleton's Encyclopedia (New York, D. Appleton Co., 1888), p. 235.

<sup>5</sup> James S. Green, 1817-1870, Representative and Senator from Missouri. His maiden speech was in defense of President Buchanan against Stephen A. Douglas. James C. Elaine said of him in his Twenty Years in Congress, "He had peers but no master in the Senate." Allen Johnson, Dictionary of American Biography (New York, Scribners Sons, 1931), p. 549.

<sup>6</sup> Robert Toombs, 1810-1885, Member of House of Representatives, 1845-1853. Led the fight for secession. Secretary of State in President Davis's Cabinet, 1861. Entered the army, 1861. Encyclopedia Britannica (New York, Enc. Britannica Inc., 1929), Vol. XXII, p. 296.

<sup>7</sup> E.B. Newman, op. cit. p. 135.

but Mr. Carmack rose steadily through adverse circumstances and had reached almost the pinnacle of fame by the time he was fifty years of age. In comparison "Lamar had a more riotous imagination than Carmack" and was favored with a broader imagination.<sup>1</sup> A great writer said of Mr. Carmack: "I am persuaded that had Carmack been as much a dreamer as was Lamar, and indulged in more retrospection he would have been a more extraordinary man than he was; but Carmack was a man of action as well as a man of thought, and as a soldier he would have been as superb on the field as he was great as a lawgiver in Congress".<sup>2</sup> Carmack was a born leader, and the only man that he was ever willing to follow was Isham G. Harris.<sup>3</sup>

Mr. Carmack was reelected to the House of Representatives in 1898, leading the ticket from the district which had much opposition to him in 1896. He served four years in the House of Representatives, the last two years being as fruitful as the first two. He was a positive force in the committee rooms. He was equal to his colleague Lamar, who had the finer imagination; Carmack the more caustic wit, and the more rollicking humor.

Mr. Carmack was fond of quoting passages from Poe's writings. He was a dull man who would not stop and listen every time to hear him recite "Annabel Lee." But before he ever read Poe's writings, he had studied the Bible, the richest fount of our speech. In this he had developed a sympathetic spirit, and like Edward Burke he sympathized with the suffering and hated cruelty everywhere.<sup>4</sup>

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<sup>1</sup> E.B.Newman, Op. Cit.

<sup>2</sup> Ibid.

<sup>3</sup> Isham Green Harris, Governor of Tennessee from 1857-1863, the Governor who proclaimed the state out of the Union, 1861. Was United States Senator; died 1897.

<sup>4</sup> E.B.Newman, Op. Cit. pp. 135 ff.



His Services in the United States Senate from  
March 4, 1901, to March 3, 1907.

Mr. Carmack was elevated to the Senate in 1901, entering that august body as the junior senator from Tennessee, his senior colleague being William B. Bate. He was elected in the place of Thomas B. Turley, who declined reelection.<sup>1</sup> Bate died in March, 1905, and Mr. Carmack became the senior Senator. The legislature of the state of Tennessee elected Governor James B. Frazier as United States Senator, who immediately resigned as Governor and took his seat in the United States Senate, becoming Mr. Carmack's junior partner in that body.

Mr. Carmack had not been in the Senate very long when he was appointed as one of the minority members of the Philippine Committee, with Henry Cabot Lodge as chairman of the committee.<sup>2</sup> Soon Mr. Carmack, who disagreed with the administration on the Philippine policy, became very conspicuous both in the committee rooms and in the Senate chamber. He made a speech in the Senate against this policy of the administration which was published and circulated throughout the country as a campaign document.<sup>3</sup> In this speech he literally flayed the administration and especially that "hell-roaring" Jake Smith's infamous order in the Philippines. Other members of the Senate said that this speech was as lofty a specimen of indignant eloquence as ever was heard in the United States Senate. He was as quick to answer questions and to give arguments in rebuttal<sup>4</sup> as if he had spent the night before in polishing his speech. In later years his friends who were in the Senate with him recalled a number of jokes that he told in his hotel and mostly about what he had done or said in

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<sup>1</sup> "Assassination of Mr. Carmack as the New York World Sees It", op.cit.

<sup>2</sup> The members of this committee were Lodge, Hale, Beveridge, Burrows, Long, Dicks, Nixon, Brandegee, Cuthbertson, Dubois, Carmack, McCreary, and Stout.

<sup>3</sup> "Former Senator E. W. Carmack Shot to Death in the Streets of Nashville," Courier-Journal November 12, 1908, p. 1.

<sup>4</sup> Mr. Carmack exclaimed, "And this the President calls benevolent assimilation." "And how would the Senator characterize it?" demanded Foraker of Ohio. Quick as a flash came the retort from Mr. Carmack: "I call it malevolent annihilation." E. B. Newman, op. cit., pp. 135 ff.

the Senate<sup>1</sup>, usually, about the Philippines.

During his last years in Washington Mr. Carmack never visited the White House. He is one of the few men in public life who managed to ruffle the temper of President Roosevelt.<sup>2</sup> "One day at the White House the President said some very uncomplimentary things about Mr. Carmack to a group of Tennesseans. They told Mr. Carmack about the story and from that time on the Senator transacted his business through the mails."<sup>3</sup> To the end of his term he never visited the White House again but never failed to express in the Senate his opinion and contempt of Mr. Roosevelt.<sup>4</sup>

Mr. Carmack served in the Senate on a number of important committees, some of which were the Committee on Inter-oceanic Canals, Interstate Commerce, Mississippi River and its Tributaries, Pensions, and Railroads.<sup>5</sup> He was also a member of these special committees: University of the United States, Industrial Exposition, and the William B. Bate Funeral Committee.<sup>6</sup>

While a member of the Railroad Committee Mr. Carmack introduced several resolutions regarding the governmental regulation of railroads. He favored government ownership, and his resolutions tended toward more governmental control and a reassertion of the government regulation of rates on all railroads in the United States. One of the resolutions that he introduced reads as

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<sup>1</sup> Mr. Carmack said to one of his friends concerning the Philippine question: "I think there is one thing I will never be able to do. To save my life I can't spell the word Philippines correctly, I always put two l's and one p in it or is it two p's and one l?"

<sup>2</sup> Theodore Roosevelt, President of the United States, 1901-1909.

<sup>3</sup> Discussing the President in the Senate one day, Mr. Carmack had this to say about him: "Why, Mr. President; he reminds me, in fact, he resembles in his habits of speech, my friend Joe Ballanfont's horse of which remarkable animal it was said that running away was his usual gait."

<sup>4</sup> "Former Senator E.W. Carmack Shot to Death in the Streets of Nashville," op.cit.

<sup>5</sup> Congressional Record 59th Congress (Washington, Government Printing Office, 1905), Vol. 40, Part I, pp. 537-538.

<sup>6</sup> Ibid., Vol. 40, Part I, p. 7.



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follows: "That any common carrier, railroad or transportation company receiving property for transportation from a point in one state to a point in another state shall issue a receipt or bill of lading therefor and shall be liable to the holder thereof for any loss, damages, or injury to such property caused by its negligence or the negligence of any common carrier."<sup>1</sup> By this resolution the senator intended to place the responsibility for damages done to any article by any railroad company while the article is in transit. Any railroad or transportation company to which such property is delivered or over whose lines such property may be sent no contract, receipt, or rule shall exempt it from any damages hereby imposed.<sup>2</sup> This resolution placed the liability on the common carrier who damaged the property and gave the others the right to collect damages from that guilty common carrier. Mr. Carmack was accused by his opponents of catering to the railroads, but he tried by his efforts to protect the railroad companies, and at the same time to place the responsibility of the damages or loss upon the common carriers which caused the damage through their negligence and otherwise.

In December, 1905, Mr. Carmack introduced a resolution in the Senate regarding the Naval Academy. It seems that from the nature of the resolution there had been some hazing of the students going on, and there had developed some opposition to such, as usual. He introduced the following resolution: "Resolved that the Committee on Naval affairs of the Senate be authorized and instructed to inquire into reports of recent brutalities practiced by students of the United States Naval Academy and to report results of such investigation

<sup>1</sup> Congressional Record, 59th Congress (Washington, Government Printing Office, 1906), Vol. 40, Part 5, p. 450.

<sup>2</sup> Ibid.

with such recommendations as may be deemed necessary to put an end to such practices."<sup>1</sup> This resolution was passed by unanimous consent.

On June 21, 1906, Mr. Carmack led in the fight against the bill which was up for consideration on that day, to allow the President travel pay. In his speech on the floor of the Senate he made this statement: "As a matter of fact, we know that the President has never done any traveling for any purpose of performing his official duties; at least I have never heard of his doing so. Then what is the necessity for any such appropriation as this?"<sup>2</sup> At this time Mr. Roosevelt was not a bit friendly to Mr. Carmack, and here was his opportunity to block one of the President's pet measures. He further said in this speech that "one may imagine cases in which he might travel, he has never done so as far as I know, and therefore there does not appear to be any necessity for this appropriation."<sup>3</sup> Mr. Roosevelt was contemplating making a trip to Panama the next summer and was expecting this to pass. Mr. Carmack had a broad imagination also, and he thought Mr. Roosevelt might want to make this trip and want travel pay; hence he made an effort to block the passage of the bill.

Among other resolutions introduced by Mr. Carmack was one to investigate the rubber concessions in the Kongo Free State in Africa. Another was to make inquiry about the possibilities of rubber production in the Philippines. But one of the most important bills introduced by Mr. Carmack was one regulating the liquor traffic between the states. In this bill it was stated that "all fermented liquor shall be subject to the laws of the state into which and through which it is transported."<sup>4</sup> The liquor problem had become an important political question in Congress even in this early day, and we shall see more about it later in the life of this man.

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<sup>1</sup> Congressional Record, 59th Congress (Washington, Government Printing Office, 1906), Vol. 40, Part 5, p. 4450.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



Some of the greatest speeches made by Carmack were made on the Child Labor problem, Government Ownership of Railroads, Immigration, and Panama Canal Construction. But one very lengthy and important speech was made on the Ship Subsidy bill. In this speech Mr. Carmack occupied the floor of the Senate for about two days, speaking, answering questions, and conducting a "filibuster," as it is called in the United States Senate. Some of his opponents in this debate were Senators Frye of Maine, Gallinger of New Hampshire, and Clarke of Wyoming. His chief colleagues were Senators Overman of North Carolina and McLaurin of Mississippi. In this speech Mr. Carmack discussed several previous ship subsidy bills, in which he charged the embezzlement of funds, and furthermore he charged that "this has been the way of these ship subsidy grabbers from the very beginning. They have been, like Oliver Twist, calling for more, more."<sup>1</sup> Finally he charges that his opponents have changed the names of their bills from a subvention to a subsidy, which he attacks just as strongly as he does the nature of the bill.<sup>2</sup>

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<sup>1</sup> Congressional Record, 59th Congress Op. Cit., Vol. 4, Part 5, pp. 4554-4570.

<sup>2</sup> This story is taken from the conversation which occurred in the Senate between Mr. Carmack and Mr. Overman of North Carolina and is as follows: Mr. Overman asked permission to ask Mr. Carmack a question to which the Vice-President replied, "Does the Senator from Tennessee yield to the Senator from North Carolina?" To which Mr. Carmack replied, "I certainly do." Mr. Overman then replied with following. "I noticed that the bill that passed the Senate introduced by the Senator from New Hampshire called it a subvention. Now you call it a subsidy. What is the difference between a subvention and a subsidy?" Mr. Carmack then replied with the following answer, "Well, Mr. President, a subsidy by any other name smells just as bad. The word 'subsidy' has become so odious to the American people that its advocates have been trying to find a new word that they propose to use until that becomes as odious as the other; and I suppose that is why so many dictionaries are being brought out."

Mr. Overman replied, "Subvention means coming from under. I suppose they want to come from under the subsidy in order to get a new word."

Mr. Carmack then replied, "Yes; the Republican party has to invent so many names for all these different plans of getting money out of the treasury that it makes it necessary to have new dictionaries to supplant the old ones." Congressional Record (Washington, Government Printing Office, 1907), Vol. 41, Part 5, p. 4554.

This was one of the most successful filibusters ever tried in the United States Senate. Senator Chauncey Depew, who was Mr. Carmack's contemporary in the Senate, declared of him: "He was an exceedingly brilliant man. He was more than a debator. In fact, there was a certain element of genius about him. The last thing he did in the Senate was a filibustering speech against the Ship Subsidy bill, which his party did not want to go through. Of all the filibustering speeches I have ever heard that one was the most brilliant."<sup>1</sup> His opponents and colleagues alike recognized him as being one of the great leaders of the Senate.

Ben Hill of Georgia served five years in the Senate, and Carmack served six. Hill was in Congress seven years, and Carmack ten years. No other American ever made so enviable a reputation in the national councils in so limited a service as did Hill and Carmack. Hill's opportunities were greater than Carmack's. "Mr. Carmack had no such theme and no such adversary as Hill encountered when he crushed Blaine in the debate of the general resolution, nor did Carmack have the chance that came to Hill when he annihilated Mahone."<sup>2</sup> Perhaps there was not another man but Carmack, unless it were Carlisle, that could command the constitutional grounds equal to Ben Hill in the contested senatorial election in Louisiana.

Carmack in comparison with Carlisle was not the constitutional lawyer that the Kentuckian was, for his genius did not trend in that direction. He had not the mastery of economical subjects that his colleague John Sharp Williams had for the same reason. In a great constitutional debate he would have been an invaluable lieutenant to Carlisle and to Williams also. In a case of this kind he could have brought aid such as Blucher carried to Wellington.

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<sup>1</sup> "Admired by Depew," Louisville Times, November 10, 1908, p.8, column 8.

<sup>2</sup> E.B. Newman, In the Pennyrile of Old Kentucky, Men, Things, and Events (Washington, Sudworth Company, 1911), pp. 138 ff.



In the fundamentals he was all that Carlisle or Mills was, for he had devoted his study to history and literature in so far as they furnished detail for law and economy.<sup>1</sup>

At the close of Mr. Carmack's term in the United States Senate a writer in the Knoxville Journal and Tribune, signing himself as "Observus," has this to say about him, "In my humble opinion the greatest and most brilliant intellect in Tennessee today is a Democrat. Not only so but in my humble opinion he is the greatest and most brilliant intellect today in the Senate of the United States."<sup>2</sup> If Mr. Carmack had been a Senator from one of the northern states and had belonged to the dominant party with half the length of service or fame of his colleagues, he would have been without a peer in that great body.

Nothing finer was ever uttered on the political rostrum than Mr. Carmack's explanation of the reasons why there have always been two political parties since the dawn of the Anglo-Saxon age. It is the contention of two great ideas. The one idea stands for strength of centralized government; the other stands for liberty of the individual. If the one is carried to the extreme, it means despotism; the other, anarchy. The one is a balance and a check on the other. Mr. Carmack's explanation of these ideas brought the following comment from the pen of a great Tennessean: "All my life I have been a student of the history of our race, and this one great dominant fact has influenced every line of that history, and yet I never learned it until it fell from the lips of this man of transcendent perception and genius."<sup>3</sup>

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<sup>1</sup> E.B.Newman, In the Pennyrile of Old Kentucky. Men, Things, and Events (Washington, Sudworth Company, 1911), pp. 135 ff.

<sup>2</sup> J.C.Cisco, Historic Sumner County (Nashville, Folk-Keelin Printing Co., 1909), pp. 259 ff.

<sup>3</sup> Ibid.

MR. CARLACK'S PLEDGE TO THE SOUTH

"I SPEAK, SIR, FOR MY NATIVE SOUTH. IT IS A LAND THAT HAS KNOWN SORROWS; IT IS A LAND THAT HAS BROKEN THE ASHEN CRUST AND MOISTENED IT WITH TEARS; A LAND SCARRED AND RIVEN BY THE FLOW-SWATH OF WAR AND BILLOWED WITH THE GRAVES OF HER DEAD; BUT A LAND OF LEGEND, A LAND OF SONG, A LAND OF HALLOWED AND HEROIC MEMORIES.

"TO THAT LAND EVERY DROP OF MY BLOOD, EVERY FIBRE OF MY BEING, EVERY PULSATION OF MY HEART IS CONSECRATED FOREVER.

"I WAS BORN OF HER WOMB; I WAS NURTURED AT HER BREAST, AND WHEN MY LAST HOUR SHALL COME, I PRAY GOD THAT I MAY BE PILLOWED UPON HER BOSOM AND ROCKED IN SLEEP WITHIN HER TENDER AND ENCIRCLING ARMS."



### CHAPTER III

#### THE POLITICAL CAMPAIGNS OF 1906 AND 1908

##### Carmack-Taylor Campaign of 1906.

Senator Carmack's term as United States Senator was to expire on March 4, 1907. Everyone knew that he would be a candidate for reelection. It was a well-known fact that this election would occur before the amendment to the Constitution of the United States which would call for the election of Senators by a popular vote, would be adopted. Prior to this time the United States Senators were elected by the various state legislatures, a law which had become very unpopular and one that the people wished changed in order to give an expression of their own desires themselves. The Democrats of the Volunteer State had a favorite son in the person of Robert Love Taylor, whom they wished to elect as United States Senator, in Mr. Carmack's place. Ex-Governor Robert L. Taylor himself had developed a desire to be United States Senator. Both of these men made their official announcements early in the year of 1906. The Democratic primary election came in May of that year. The Democratic party and the two candidates for Senator agreed to have a primary election for United States Senator. This was the first time in the state of Tennessee that Senators were nominated by a popular vote. The campaign was in full blast by the first of March of that year, and both of these men made campaign speeches all over the state. Ex-Governor Robert L. Taylor spoke in almost every county in the state, having begun early in January; Senator Carmack, being then in the Senate, could not begin his campaign so early.

As we have learned something of the history of Senator Carmack, so we may learn of the history of the greatest mimicker and entertainer that ever lived in the Southland. Robert L. Taylor was born July 30, 1850, in Harry Valley, Carter County,<sup>1</sup> Tennessee. He was educated at Athens, Tennessee, and Pennington, New Jersey. He studied law and began the practice in 1878 but went into politics that same year. He was elected to Congress as a Democrat from the strongest Republican district in the state. Taylor had won fame as an orator throughout the state and was appointed Pension Agent at Knoxville by President Cleveland,<sup>2</sup> having been one of Cleveland's electors in 1884. He resigned to become a candidate for governor in 1886.<sup>3</sup>

In 1886 there occurred one of the most peculiar political campaigns of the century. The Democrats of the state of Tennessee nominated Robert L. Taylor, and the Republicans nominated his brother, Alfred A. Taylor. The two candidates were both east Tennesseans and sons of a distinguished father who had served as a Whig member of Congress<sup>4</sup> back in ante-bellum days. These two brothers were as affectionate as if they had not differed in politics at all; often they would ride in the same carriage and would stay at the same hotel. Many people said that a contest of kinsman like this reminded them of the "Wars of Roses",<sup>5</sup> and at once the Democrats adopted the white rose of York as their emblem, and the Republicans the red rose of Lancaster. Republican ladies exchanged roses with the Democrat ladies so that they might have suitable banquets for their respective favorites. Never since the Civil War had such crowds gathered, and never were they better entertained. People all over the State

<sup>1</sup> G.R.McGee, History of Tennessee (New York, American Book Co., 1911), p. 249.

<sup>2</sup> A.M.Marquis, Who's Who in America (Chicago, A.M.Marquis Co., 1909), p.1864.

<sup>3</sup> G.R.McGee, Op. Cit., p. 248.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.



enjoyed this campaign and the humorous speeches and comic actions of these speakers. People laughed until their sides ached.

The Democrats were victorious, and Robert L. Taylor was Governor from 1887 to 1891. He was again elected in 1896 and served as Governor until 1899. When Governor Taylor's term expired, he travelled very extensively in the United States and became very widely known as a statesman, mimicker, and orator. He was editor-in-chief of Bob Taylor's Magazine, 1905-06, and since that time it has been known as Taylor-Trotwood Magazine.<sup>1</sup>

Senator Carmack had never met an opponent in the political arena like Taylor. Carmack was a powerful speaker and a great debater who had measured swords with the ablest men in the United States Senate, but Taylor was a different man altogether. He was a Democrat from a Republican district and had never known defeat. The two men were intellectual giants but very different in personality. Carmack loved the actual and the real; Taylor the impalpable and the fanciful. Carmack went to battle with a feeling of joy; Taylor with aversion and reluctance. To Carmack useful labor is a pleasure; to Taylor a task.<sup>2</sup> Carmack was bold and advanced at once to the assault of the enemy, while Taylor marched around the walls blowing a ram's horn, vainly hoping they would fall. Carmack boldly challenged to combat, striking the shield of the enemy with ringing sound; Taylor sought to disarm and decoy by a siren song.<sup>3</sup>

It is interesting to know the different comparisons of these men which were published during this campaign. We shall quote some of them here.

"Carmack would scourge the money changers from the temple with a whip of many thongs; Taylor would lure them thence with a lullaby. Carmack lays bare the sins and wrongs which subvert the public weal and holds them up to just condemnation; Taylor would temporize with a joke or story impressing us that

<sup>1</sup> A.M. Marquis, Who's Who in America (Chicago, A.M. Marquis Company, 1909), p. 1864.

<sup>2</sup> "Carmack and Taylor, the two Aspirants Epitomized and Compared", Nashville Banner, May 10, 1906, p. 1.

<sup>3</sup> Ibid.

sins were only venial."<sup>1</sup> The next campaign shows something of the things each loved. "Carmack loves to grapple with bearded men in the forum of debates; Taylor loves the quip and jest and song of sentiment in the ante-chamber. Carmack's vision penetrates the rugged mountain side and sees the potential ores beneath; Taylor stops at the beetling cliff and the beautiful cascade pouring over the precipice."<sup>2</sup>

In the work of the two men, "thought and action attract the one; visions and dreams the other. Carmack looks approvingly on the hammer and the hoe; Taylor upon the fiddle and the bow. Carmack loves the forum where reason sits enthroned and points the way; Taylor invites us to the Paradise of Fools and tells us that the woods are full of them."<sup>3</sup> In travelling over the country the two men may be said to have viewed their surroundings in this way: "Carmack would see the Cumberland and Tennessee Rivers with their shoals and hidden rocks, and the Mississippi with its shifting currents and treacherous snags; Taylor sees what he describes as the far off 'Milky Way' and the star dust isles floating in that river of opal."<sup>4</sup>

The following is a bit of alliteration in comparison of these men:

"Carmack stands for facts, fearlessness and fundamental truth; Taylor for fancy, fun, and furbelows. Carmack's love is for the fruit; Taylor's for the flowers. Carmack is concerned with men, measures and the matter of things, Taylor with mirth, music, and masquerade."<sup>5</sup> We know that early environment had all to do with forming character. So in his childhood, with a widowed mother, Mr. Carmack learned what toil and struggle meant. This invaluable lesson was not lost, and the seed fell in good ground. In his boyhood he followed the plow while Taylor learned the "Music of the lute". The one shucked corn and dug potatoes; the

<sup>1</sup>

"Carmack and Taylor, The two Aspirants Epitomized and Compared," Nashville Banner, May 10, 1906, p. 1.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.



other saw visions and dreamed dreams."<sup>1</sup>

With these men we can see that "to Carmack life is real, life is earnest; to Taylor, the world is a comic stage. Carmack loves to deal with the tasks set before him, Taylor with the sunshine and nymphs, with the moonshine and the fairies. Carmack worked and studied until, upon his widened domain, the skies of beauty cast their rainbow hues. Taylor drifted in a summer sea of fancy till within sight of solid earth, but hardly in sailing distance." Carmack's splendid talents had borne rich fruits, with still greater promise for more, but the time had come for Taylor to be honored as a favorite son of his native state also.

Taylor was to be honored with a term in the Senate like "Lean Jimmie Jones"<sup>2</sup> of the early forties. All students of Tennessee history remember the stormy times in 1841 when the "Immortal Thirteen" dominated the state Senate, and the state of Tennessee had no senators in Congress from 1841 to 1843. Later James C. Jones, the prince of entertainers upon the hustings in Tennessee history, was honored with a term in the United States Senate. Also Felix Grundy,<sup>3</sup> John Bell,<sup>4</sup> and Andrew Johnson.<sup>5</sup>

<sup>1</sup> "Carmack and Taylor, The two Aspirants Epitomized and Compared," Op. Cit.

<sup>2</sup> James C. Jones (Lean Jimmie) was the first Whig Governor of Tennessee, serving from 1841 to 1845. He was six feet two inches tall and weighed only one hundred and twenty-five pounds. Born in Davidson County, he was the first native son to become Governor of the state of Tennessee. Newton Cannon was Governor of Tennessee from 1835 to 1839. He was the Whig candidate in 1839 but was defeated by the Democrat candidate, James K. Polk, who told jokes and laughed Cannon out of countenance. Polk served one term and was defeated in turn by James C. Jones, who told two jokes to Polk's one. "This", as many Tennesseans said, "was Polk's having to take some of his own medicine." This was the origin of stump speaking in Tennessee. G.R. McGee, History of Tennessee (New York, American Book Company, 1911), pp. 153-161.

<sup>3</sup> Felix Grundy, 1777-1840, United States Senator from Tennessee 1829 to 1840.

<sup>4</sup> John Bell, 1797-1869, United States Senator 1847 to 1859, candidate for President in 1860.

<sup>5</sup> Andrew Johnson, Governor of Tennessee from 1853-1857 and Military Governor from 1863 to 1865.

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The writer remembers very distinctly about this campaign of 1906, because Taylor's campaign cry was heard all over the state. It was in special reference to Mr. Carmack, and termed him as the "great railroad rate regulator"<sup>1</sup> because Mr. Carmack had worked for the passage of certain railroad bills. This campaign continued throughout April and May. When the manager and election officers determined the number of votes cast for each candidate, it was found that Robert L. Taylor had been elected. Governor Taylor's manager, General William L. Brandon of Dover, Tennessee, congratulated his successful candidate and the new Senator-elect. Hon. George H. Armstead of Franklin, Tennessee, was the manager for Mr. Carmack. Although unsuccessful, both the candidate and his manager felt that the people had chosen that day whom they would serve. Since Taylor was the most popular and the most beloved son of Tennessee at that time, it was felt all over the state that the people elected Taylor not because they hated Carmack less but because they loved Taylor more. Surely at this time Taylor was held in esteem higher in the minds of the people than any other man in the state.

#### The Patterson-Carmack Campaign of 1908.

In 1908 the liquor question had become a burning question in politics. Senator E.W. Carmack, who had been defeated by Robert L. Taylor in the primary election of 1906 for United States Senator, came out as a candidate for governor against M.R. Patterson, who was then in that position in Tennessee. The two candidates announced early in the spring of 1908,<sup>2</sup> making the liquor question the main issue between them, Mr. Carmack announcing, in his platform, the support of ~~xxx~~ state-wide prohibition, and Mr. Patterson announcing that he would support local option in his platform.<sup>3</sup> A primary election was ordered by the

<sup>1</sup> The writer heard Robert L. Taylor speak in Dover, Tennessee, April 28, 1906, in which speech he said in reference to Mr. Carmack: "He is the great railroad rate regulator," which was used as a campaign cry throughout the remainder of the campaign.

<sup>2</sup> J.T. Moore, Tennessee the Volunteer State (Nashville, S.J. Clarke Co., 1923), pp. 603 ff.

<sup>3</sup> Ibid.



state Democratic committee to nominate a gubernatorial candidate, and these two candidates began to make preparations for the coming campaign.

By this time the liquor question had reached an acute state in consideration as to whether Tennessee would be state-wide or local-option as to the liquor traffic. Both candidates were men of unusual ability, both splendid speakers, skillful in debate, and quick at repartee.<sup>1</sup> The keenest interest attended the campaign, and people all over the state were aroused to the fact that they must decide this great question of prohibition. Senator Carmack wrote a letter to Governor Patterson challenging him for a joint debate over the state on this question.<sup>2</sup> In this letter he suggested that they select a campaign manager and set the date to begin the speaking not later than the first of April. Mr. Carmack named George E. Armstead as his manager and prepared for the coming campaign. To this letter Governor Patterson

<sup>1</sup> J. T. Moore, Tennessee the Volunteer State (Nashville, S.J. Clarke Co., 1923), pp. 603 ff.

<sup>2</sup> Below is given an exact copy of Mr. Carmack's letter challenging the Governor for a joint debate:

To His Excellency, Hon. M. R. Patterson,  
Governor

March 10, 1908.

Nashville, Tennessee.

Dear Sir:

In view of the fact that we have both expressed a desire for a joint discussion of the issues between us as candidates for Governor, I beg to suggest that you designate some one to confer with my friend Mr. George E. Armstead, and that these two be authorized by us to make all arrangements for a series of joint debates, to be fairly apportioned among the three grand divisions of the state and to begin not later than the first of April.

I name this date because of your public statement that you would be ready to enter the canvass at that time.

I hereby authorize Mr. Armstead to act for me in making these arrangements.

Very Respectfully,

E.W. Carmack

"Carmack's Challenge" Nashville Tennessean March 12, 1908, p. 2.

replied<sup>1</sup> that he accepted the challenge to a joint debate and designated the Honorable Austin Peay<sup>2</sup> of Clarksville, Tennessee, as campaign manager. The Governor further requested that he be allowed to make one speech before the joint debate began, this speech to deal only with his administration.

The two managers of this campaign met, arranged all of the details, and made the necessary arrangements for the joint debate to open in Chattanooga, April 16, 1908. Governor Patterson, according to the agreement, arranged for his opening speech at the Venable Theater in Nashville. This speech was to cover his entire administration and was to be a defense of it. This speech was made on the night of April 11, before a host of friends who wished to know what the new policies of the Governor were. In a very exhaustive defense of his administration and platform Mr. Patterson spoke for two hours to a very enthusiastic crowd of Nashville people and others from out of Nashville. This was a representative audience of Democrats that must have warmed his heart and inspired him with confidence as he stood before them and gave an account of himself and his conduct of the high office he held and to which he aspired for reelection.<sup>3</sup>

<sup>1</sup> Below is given Mr. Patterson's reply to Mr. Carmack's challenge:  
March 11, 1908.

Hon. E.W. Carmack, Tulane Hotel,  
Nashville, Tennessee.

My dear Sir:

I am in receipt of your favor. Your challenge for a joint debate is accepted and I designate the Honorable Austin Peay to arrange for me the necessary details with your manager.

It is proper for me to say that before engaging in a series of debate with you, I shall make one speech dealing only with my administration of State affairs which will consume more time than could properly be accorded in a joint discussion.

Very truly yours,  
Malcom R. Patterson

"Patterson's Reply" Nashville Tennessean, March 12, 1908, p. 2.

<sup>2</sup> Austin Peay, 1876-1927, elected Governor of Tennessee for three successive terms, 1923, 1925, 1927, but died October 2, 1927. By a Tennessee law, Henry R. Barton, the present Governor (1932), served the remainder of the unexpired term.

<sup>3</sup> "Governor Patterson Opens Campaign for Reelection," Nashville Tennessean April 12, 1908, p.2.



Among the prominent people present at the opening speech were, in the first box on the left, the Patterson family consisting of Mrs. M.R. Patterson,<sup>1</sup> and Miss Patterson, Mr. and Mrs. Austin Peay, and Colonel Duncan B. Cooper. In the first box on the right were W.D. Beard, Chief Justice of the Supreme Court, and Mrs. Beard, Mrs. Benton McMillan and daughter, Eleanor, and Mr. and Mrs. Irby Bennett. Among the audience were other prominent people from over the state, including Mr. and Mrs. Robert L. Jones (Mr. Jones was State Superintendent of Public Instruction), Miss Mary Skiffington, the State Librarian, and Miss Limmie Davis, the private secretary to the Governor. Many other prominent officials of the state were seated on the stage with the Governor.<sup>2</sup>

Patterson discussed several things that were live questions at that time, in the state, among which was the bill known as the Anti-Jug Law. This bill he characterized as a piece of legislature hysteria and nonsense.<sup>3</sup> Among the remaining questions discussed by Patterson in this speech were platform pledges, state improvements, public buildings, agriculture, fish laws, game laws, education, labor, public roads, Confederate pensions, railroads, car shortage, and pardons. In the matter of platform pledges Patterson pleaded with the legislature to remember the pledges to the people.<sup>4</sup> He had a number of bills passed regarding education which increased the state's ability to help the schools of the state. The Governor discussed pardons because he had pardoned more criminals out of the penitentiary than any previous Governor. He discussed Confederate pensions<sup>5</sup> because other southern states pensioned the Confederate soldiers, and no governor of Tennessee had spent much effort and time on this matter.

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<sup>1</sup> Governor Patterson married Miss Mary Russell Gardner of Union City, Tennessee, during his term as Governor, in 1907.

<sup>2</sup> "Governor Patterson opens Campaign for Reelection", Nashville Tennessean April 12, 1907.

<sup>3</sup> Ibid.

<sup>4</sup> "Governor Patterson Opens Campaign for Renomination", Nashville Banner, April 12, 1908, pp. 9-11.

<sup>5</sup> Ibid.



In the course of this lengthy speech Mr. Patterson said, "Well do I remember the kindness which was showered upon me, and if ages should pass and I could live through the flight of all, I would never forget the friends who stood with me to the end until victory had been won."<sup>1</sup> In closing this speech the Governor made this remark: "Time may ebb and time may flow, honors may come and honors may go, but there is something which holds us fast with bonds of steel to those we love. It lives through life, until the other shore is spanned and there it will not die, but return to earth again as Heaven's best gift to man."<sup>2</sup> A revised copy of this speech will be found in the appendix of this thesis.

On April 16, as had been previously arranged, the two candidates met in Chattanooga for the opening of the campaign in joint debate.<sup>3</sup> Since Mr. Patterson had made his opening speech on Saturday night before this, Carmack therefore made the opening speech at Chattanooga. Carmack vigorously attacked Patterson's administration. He made a serious attack on machine politics, charging that Patterson, two years previously, had advocated a direct primary for the purpose of delivering the state from under bossism but now was wanting to hold it back from the marching columns of progress and under machine rule. He attacked Patterson's policies concerning the penitentiary, charging that he employed too many persons in connection with the prisons, thereby reducing the revenues both at Brushy Mountain and the main prison.<sup>4</sup> He attacked the policy of the administration regarding Confederate pensions. Since the liquor question was the main issue, Carmack continuously held up the idea of state-wide prohibition and vigorously fought Patterson's idea of local option. He charged the Patterson administration with having been one of intense hostility to all temperance legislation.

<sup>1</sup> "Governor Patterson Opens Campaign for Renomination", Nashville Banner, en.cit.

<sup>2</sup> Ibid.

<sup>3</sup> J.T. Moore, Tennessee the Volunteer State, Op. Cit. Vol. II, p. 606-09.

<sup>4</sup> "Ex-Senator E.W. Carmack's Opening Speech", Nashville American, April 17, 1908, pp. 4 ff.

In the effort to outlast the saloon he had gone just as far as he was compelled to go, and in order to save the saloon he had gone just as far as he dared to go.<sup>1</sup>

In this speech Carmack outlined most of the policies for which he stood and discussed them before the people of Chattanooga. He spoke for about one hour and a half, and then Patterson replied to Carmack's speech for another hour. Carmack then had a short time for a rejoinder, in which he replied to Patterson's speech of that day. For four hours the two candidates laid the issues before their fellow Democrats and submitted their claims to political preferment.<sup>2</sup> This debate was truly a battle of giants. The crowd packed the Chattanooga auditorium to its capacity. Interest was at fever heat, although the lines of partisanship were so closely drawn, and occasionally an over-zealous admirer attempted to aid and suggested his favorite. In a general sense this meeting was repeated wherever they spoke in joint debate. Both candidates were men of unusual ability, both splendid speakers, skillful in debate, and quick to reply. The keenest interest attended the campaign and the two spirited opponents; the people watched with much apprehension for fear they would come to personal encounter.<sup>3</sup>

As this joint debate continued, the rivals spoke at Knoxville, April 18; Bristol, April 20; Johnson City, April 21; Greenville, April 22; Morristown, April 23; Nashville, April 25; Manchester, April 27; Sparta, April 28; Fayetteville, May 7; Gallatin, May 4; Lebanon, May 5; Murfreesboro, May 11; Franklin, May 15; Waverly, May 21; Jackson, May 25; and Memphis, May 30. They also spoke at lesser places, but the towns were not so important except one, which was Ashland City. This was one of the most closely contested campaigns ever conducted

<sup>1</sup> "Ex-Senator E.W. Carmack's Opening Speech" op. cit.

<sup>2</sup> Ibid.

<sup>3</sup> J.T. Moore, Tennessee the Volunteer State (Nashville, S.J. Clarke Company, 1923), Vol. II, pp. 606-09.



in the state.<sup>1</sup> In this debate Patterson appeared cool and deliberate, knowing what to say and how to say it, and making very impressive logical arguments. He was dignified and never stooped to low arts and methods calculated to appeal to the baser passions and prejudices of the thoughtless. Carmack had already won a great and enviable reputation as a speaker. He was very aggressive in criticism, was assertive, and sometimes explosive. His admirers were legion, and they thought him invincible.<sup>2</sup>

The primary election was held on June 27, 1908, and the Patterson forces were victorious, having a majority of 7,137 votes. Patterson then won over the Republican candidate in November by a majority of 19,933 votes.<sup>3</sup> Mr. Patterson ~~xxx xxxxxxxxxx xxx~~ was inaugurated the second time in January, 1909. Carmack retired to his home at Columbia for a while and then became editor-in-chief of the Nashville Tennessean,<sup>4</sup> where he continued his fight for prohibition through the columns of that paper. He was gratified very much when he saw that the election returns showed that a majority of the legislators were for state-wide prohibition.

When the legislature met in January, it was clearly seen that the Governor and the legislature would not agree as to the legislation to be passed regarding the liquor traffic. The first bill passed regarding the liquor traffic prohibited the sale of intoxicating liquors "within four miles of any school house, public or private, where a school is kept, whether the school be in session or not, in the State."<sup>5</sup> This bill was vetoed by the Governor on January 19, 1909, for the following reasons: First, as a Democratic Governor Patterson felt this a sacred duty and obligation to the platform of the

<sup>1</sup> "Ex-Senator E.W. Carmack's Opening Speech", Op. Cit. April 17, 1908, pp. 4 ff.

<sup>2</sup> J.T. Moore, Tennessee the Volunteer State Op. Cit., Vol. II, pp. 606-09.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.



Democratic party, which was distinctly declarative of local option and was in direct opposition to this proposal; Secondly, Patterson was governor of all the people, and since a majority had elected him on a local option platform, he felt it his duty to stand for their recorded will; thirdly, he vetoed the bill because experience has taught the lesson that arbitrary prohibition was never obeyed and that its enactment would bring no settlement of the question but only irritate and inflame. Patterson mentioned six other points which he claimed were a just cause for veto, namely: The mistaken notion of morality, that it was not a temperate measure, that it would not make for better citizens, that it would teach evasion of the law, that it would bring women into political strife, and that he protested in the name of the people against such a measure.<sup>1</sup> The legislature, however, passed this bill over his veto on January 20, 1909. The act provided that the law should go into effect July 1, 1909. On that date the saloons were to close and according to law were to pass out of existence. This did not end the prohibition fight in Tennessee, for many people thought this was a bad law and openly disobeyed it, but many more thought it was a good law and endeavored to enforce it. Carmack was supported by those who believed this was a good law and was influenced to continue his fight for prohibition in the state. He continued to hunt out and to warn the so-called whiskey ring. He sought out the leaders and delivered to them the following ultimatum: "Keep your hands off this fight, if you don't I'll never rest until I have driven your gang and all its distilleries out of Tennessee. I'll hang you, hoof, horn and hide on the back yard fence."<sup>2</sup>

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<sup>1</sup> J.T. Moore, Tennessee the Volunteer State (Nashville, S.W. Clark Company, 1923), Vol. II, pp. 806-09.

<sup>2</sup> "Assassination of Mr. Carmack as the New York World Sees It," Nashville Tennessean, January 27, 1909, pp. 1 and 10.

But they did not seem to heed; his words seemed like empty threats to the whiskey ring. It continued to oppose him as it did when he ran against Taylor in 1906.



#### CHAPTER IV

### THE TRAGIC DEATH OF EDWARD WARD CARMACK AND ITS AFTERMATH

#### The Death

There were forces at work against Carmack of which the country knew nothing and which was a more formidable enemy than his political foes. As the tide of prohibition had swept the entire South, the forces opposed to prohibition were also opposed to Carmack and decided that he must be beaten if possible, and his influence then would not be felt so strongly.<sup>1</sup> Carmack preached prohibition morning, noon, and night. "He took off his coat and went to work," so to speak, pouring all of the brilliance of his mind into the campaign. He had declared against whiskey and its makers.

When Governor James B. Frazier was elevated to the United States Senate, John I. Cox automatically became Governor. Patterson and Cox had been political enemies, and on or about November 7, they were in conference together. News of this conference reached Carmack's desk in the editorial rooms of the Tennessean. It was a much-talked-of topic that these two political enemies should come together. It appeared to Carmack to be a matter of news in which Tennessee would be interested, that two bitter enemies just two years previously would now be making peace and visiting each other's offices. On the morning of November 8 the Tennessean printed an account of the Cox-Patterson meeting and credited Duncan B. Cooper with being the diplomat who conducted the reconciliation.<sup>2</sup>

<sup>1</sup> "Assassination of Mr. Carmack as the New York World Sees It", op. cit.

<sup>2</sup> Ibid.

Carmack published two editorials, one that morning which enraged Duncan B. Cooper very much and fanned to white heat the ill feeling already created during the campaign of the early part of this same year. It was at Ashland City on June 16 that the first manifestation of any bitterness existed between Cooper and Carmack. Here Mr. Carmack made a sarcastic reference to several of Governor Patterson's friends and supporters; among the number was Colonel Duncan B. Cooper, elsewhere mentioned in the campaign as "Bald-headed angel Dunc".<sup>1</sup> The two editorials were very sarcastic and very noticeable. The first one was entitled, "Across the Muddy Chasm", published on the morning of November 8, and was read very widely throughout the city of Nashville and the state as well. The other one, called the "Diplomat of the Zweibund",<sup>2</sup> was the famous offending editorial, published on the morning of November 9.

"To Major Duncan Brown Cooper, who wrought the great coalition; who achieved the harmonious confluence of incompatible elements; who welded the pewter handle to the wooden spoon; who grafted the dead bough to the living tree and made it bloom and burgeon with golden fruit; who made playmates of the lamb and the leopard, and boon companions of the spider and the fly; who made soda and vinegar to dwell placidly in the same bottle, and who taught oil and water how they might agree - to Major Duncan Brown Cooper, the great diplomat of the political zweibund, be all honor and glory forever."<sup>3</sup>

This paragraph was hardly cold before Duncan B. Cooper started forth. He vowed that Carmack must not use his name again in the columns of the Tennessean; he was not in public life, and therefore was not to be a subject of comment in the columns of a newspaper.<sup>4</sup> Edward B. Craig, a former state treasurer, went to the Tennessean office as a friend to both Carmack and Cooper. He informed Carmack that he had hurt Cooper and that Cooper intended to prevent Carmack from using his name any more in the columns of the Tennessean.

<sup>1</sup> Former Senator B.W. Carmack Shot to Death in Streets of Nashville" Courier Journal, November 10, 1908, p. 1.

<sup>2</sup> J.T. Moore, Tennessee the Volunteer State, 9<sup>th</sup> ed., Vol. I, pp. 606-09

<sup>3</sup> "The Diplomat of the Zweibund" editorial, Nashville Tennessean November 9, 1908.

<sup>4</sup> "Assassination of Mr. Carmack as the New York World Sees It." Op. Cit.



Carmack replied to Craig that Colonel Cooper was a friend to Patterson and in public life, and therefore a proper subject for comment; furthermore he said that he had said nothing offensive to any one.<sup>1</sup>

Mrs. Lucius Burch, Colonel Cooper's daughter, was visited by her father that morning. He told her that either he or Carmack must go. He intended to write Carmack a letter, but when he heard what Carmack had to say through Craig, he was enraged the more. When he left his daughter's home that morning he had left her with fear that trouble might occur. She tried often throughout the morning to find her husband to have him intercede and to quiet her father. She did all she could to prevent the meeting of her father and Carmack.<sup>2</sup> Mrs. Burch called Governor Patterson over the telephone and appealed to him to use his influence to avoid a tragedy. She was in deadly terror, and whatever she said so impressed the Governor that he took his private secretary and began a search over the city for Colonel Cooper, starting about nine o'clock that morning and ending about noon at the Maxwell Hotel, where he found Cooper. At the hotel were the Colonel, Robin Cooper, and James C. Bradford. The Governor found the Colonel very much enraged. He made an effort to soothe him and begged him to let his friends settle the trouble peaceably; to this the Colonel agreed, and trouble seemed to be averted.<sup>3</sup>

The day wore along, and the telephone messages that Mrs. Burch was sending out reached the Tennessean office every few minutes. Finally Dr. J. A. Wither- spoon, whose office was across the street from the Tennessean office, to whom Mrs. Burch had telephoned, summoned Frank D. Lander, a cousin to Mrs. Carmack,

<sup>1</sup> Assassination of Mr. Carmack as the New York World Sees It", Nashville Tennessean, January 27, 1909, pp. 1 and 10.

<sup>2</sup> Ibid.

<sup>3</sup> "Searched City to Find Cooper" Courier Journal, February 28, 1909, Section 4, p. 1.

upon  
and told him to impress the Senator that his life was in danger. Carmack  
replied in these words: "Why, Frank, you are making a bother about nothing.  
I am not in danger. It is ridiculous to say that anybody would want to kill  
a man for writing a few harmless lines like that. They mean nothing."  
Reporters left their posts to go to the office and warn Carmack that his life  
was in danger. Word came to him that Colonel Cooper, his son Robin, and the  
Governor were at the Tulane Hotel, at the corner opposite the Tennessean office,  
and for him to be on his guard. Carmack did not take these warnings very  
seriously, at times laughing at them.<sup>1</sup> Toward the end of the day, wearied from  
his work and the annoyance of the day, Carmack decided to go to his hotel,  
where he could write without being interrupted. He did not own a weapon and  
protested against carrying one. But some of his friends persuaded him to carry  
one, and they put a pistol into his hip pocket.<sup>2</sup>

The story goes further in stating that, after the conference at the Maxwell  
Hotel of Cooper and his friends, perhaps a few hours after, Governor Patterson  
requested that he come to the executive mansion on Seventh Avenue North for  
consultation on certain matters not pertaining to Carmack and to bring with him  
Austin Peay, who was the chairman of the Democratic State Committee. After  
this appointment was made, James C. Bradford and General Tully Brown again  
mentioned the Carmack matter and advised Colonel Cooper not to go on the streets  
in such direction as would necessitate a meeting with Carmack. To this  
Colonel Cooper agreed. He and his son, Robin, left the office to go to the  
Governor's mansion. To avoid any possible meeting with Carmack, they went  
through the Arcade and up Union Street into Vine Street, seemingly to avoid a

<sup>1</sup> This is a conversation he had in the office that day: "What sort of a looking  
boy is Robin Cooper? I know the Colonel well but I have never met Robin."

"He is wearing a green hat today" was a part of the description of Cooper  
furnished. "Well" he laughed, "I suppose you will be wanting me to run from  
every green hat I see?"

<sup>2</sup> "Assassination of Mr. Carmack as the New York World Sees It," Op. cit.



meeting on the streets. Colonel Cooper and his son Robin went through the Arcade through Summer Street, through Union Street, up to Vine Street. Just as they turned into Vine Street, they saw Mr. Carmack coming up the street going north and on the opposite side of the street but approaching nearer to them. Colonel Cooper therefore said he would cross the street and speak to Carmack, and perhaps he could get him not to make any more newspaper attacks on him.<sup>1</sup>

Colonel Cooper crossed the street and met Mr. Carmack, who was talking to Mrs. Charles H. Eastman in front of the Polk Flats and was in the act of raising his hat to her. As soon as Colonel Cooper spoke to him, he stepped aside to be clear of her. Mrs. Eastman, perceiving that there was going to be trouble, turned aside into a gate.<sup>2</sup> As soon as Carmack spoke to Colonel Cooper, both drew their pistols, and Carmack began trying to fire his pistol. Robin Cooper, who had seen the actions of the two men, ran across the street near to where Carmack and Colonel Cooper were. Colonel Cooper said to Carmack, "Come out from behind that lady"; thereupon Carmack fired two shots, both of which struck Robin Cooper, who had come to his father's rescue. Then it was that Robin Cooper fired the fatal shot. He fired two other shots.<sup>3</sup> Then several shots that were fired in rapid succession, three of them taking effect in Mr. Carmack's body. He whirled around and made an attempt to catch to a light post but missing it fell to the street and into the gutter. He fell on his right side and was lying with one hand to his face. His revolver fell into the street beside him and was picked up later and given to the police. It is a matter undecided as to who fired the first shot.<sup>4</sup> It was a well-known fact that Colonel Cooper had not fired a

<sup>1</sup> "Former Senator Carmack Shot to Death in the Streets of Nashville", Courier Journal, November 10, 1908, p. 1.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

shot, but Carmack had fired two shots and Robin Cooper had fired three. Carmack was dead and Robin Cooper wounded.

Seeing that they had killed Mr. Carmack, Colonel Cooper took his son to the infirmary of Dr. Fort and Dr. Lucius Burch. He was later removed to St. Thomas Hospital. Hundreds of people gathered at the scene of the tragedy, and the news and excitement spread rapidly through the city, becoming more intense each minute. Probably there never was such an unexpected and exciting tragedy as this in the city of Nashville before.

Dr. McNeeters Glasgow arrived at the scene of the tragedy about five minutes after the occurrence. He examined the body of Carmack and found that three bullets had taken effect, one entering the left side just below the heart, another the left shoulder, the third one, which seemed to be the fatal one, the neck. This bullet entered the back of the neck and just below the hair line, coming out through the mouth, loosening some of the teeth. The bullet was found on the street under his head.<sup>1</sup> Colonel Cooper, after seeing his son safely in the hospital, was escorted to the police station, where he was charged with accessory to murder, the prosecutor being Mrs. E.W. Carmack.

Shortly after the tragedy occurred, Governor Patterson issued the following statement; "I deeply deplore the unfortunate tragedy. I saw both Colonel Cooper and his son Robin this morning, and nothing occurred to cause me to suppose any altercations would take place with Senator Carmack or any one else. I thought the whole matter was ended until my return from the capitol in the evening, when I was shocked to learn of what had occurred." It was charged that Patterson knew something of the trouble and could have averted it if he would. Certainly it is known that he had a conference with both of the Coopers the day before and that particular morning.<sup>2</sup>

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<sup>1</sup> "Former Senator Carmack Shot to Death in the Streets of Nashville," Op.cit.

<sup>2</sup> "Governor Patterson Contradicts His Own Statements," Nashville Tennessean November 10, 1903, p. 1,



Let us pause here with the story of Carnack long enough to get an insight into the life of the Coopers. Duncan B. Cooper was sixty-four years old at this time and had been an officer in the Confederate army in the Civil War, winning some honors for his gallantry. He served many years as clerk and master of Maury County, of which Columbia is the county seat. He was engaged in various business enterprises, owning the American from 1888 to 1894. He was prominent in politics at this time, being a close friend to the administration. He was also a warm friend to President Cleveland, who told him to name the place he wanted, but Cooper wanted no honors.<sup>1</sup> For thirty years Colonel Cooper had been a very conspicuous figure in politics. He came from a distinguished family. His brother was private secretary of Andrew Johnson and later assistant secretary of war and lived at Shelbyville, Tennessee. Another was for some time a judge of the Supreme Court. Another brother, Henry Cooper, defeated Andrew Johnson for United States Senator back in the seventies. He was assassinated in the mountains of Mexico by brigands for the money he had on his person. Duncan B. Cooper never had a profession unless politics be a profession. Of this man the Memphis News-Scimitar has this to say: "He has too long felt himself exempt from criticism. There is not however a man or a woman in Maury County or an acquaintance from the bays below Manhattan to the earthquake city of the distant west who knows him will not deny that this statement is accurately drawn."<sup>2</sup> This is the opinion and the feeling that people had over the state in regard to Colonel Cooper.

Of Robert Cooper very little is to be known. Excepting the fact that he was arrested for this crime and that his name became known in the state by this trial, he was not known outside of his own circles. The writer well remembers

<sup>1</sup> "Former Senator Carnack Shot to Death in the Streets of Nashville", Op. Cit.

<sup>2</sup> "Assassination of Mr. Carnack as the New York World Sees It," Op. Cit.

that several years after this trial Robin Cooper met a violent death outside the city of Nashville, and no one ever knew how, or at least no one was ever accused of the crime. It was thought that he met his death while in a drunken brawl.

The National Tribune in commenting on the Coopers has this to say: "Is honor ever upheld that must be supported by black unreasoning passion and the pistol rapier? What of the helpless and hopeless women and children who must to the dying day fear the might of the Cooper guilt."<sup>1</sup> In reference to a man's honor being compared to something that is lasting this same paper has this to say: "Truly a man's idea of honor is a subtlety that must be buried in the bosom of the emblem of eternal silence, the sphinx, for no one yet has fathomed its depths or its shoals for that matter."<sup>2</sup> The Tribune then discusses the consequence of defending our honor as did Colonel Cooper in these beautiful words: "Honor pricks many on but it usually leaves in the wake of its justification weeping women, murderer's graves, iron-barred cells, and children whose teeth are on edge because their fathers have eaten sour grapes."<sup>3</sup> Colonel Cooper "counts life but a flickering of a burnt-out candle", and perhaps others hope that this distinction of his from the ordinary mortal will take him out of the operation of the law in regard to ordinary criminals who do not count life as the "flickering of a burnt-out candle."<sup>4</sup> Colonel Duncan B. Cooper was placed in prison, refusing to let a bond be made. He awaited the action of the courts. Robin remained in the hospital until he recovered from his wounds.

<sup>1</sup> "Honor the Theme", National Tribune, November 12, 1908, p. 8.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> "Cooper's cannot Invoke Plea of Self-Defense" Nashville Tennessean, November 13, 1908, p. 4.



### The Carmack Funeral With Beautiful Tributes and Memorials

The body of Carmack was carried to the undertaking establishment of Finley L. Doris by an ambulance which had been called by Dr. McPheters Glasgow. The body was prepared for burial and removed to the home of Frank Lander, general manager of the Tennessean, where it remained until the next day pending removal to Columbia, his former home.<sup>1</sup> Immediately upon hearing of the Senator's death Mrs. Carmack, who was on the verge of prostration, left Columbia for Nashville at five o'clock in the afternoon of the assassination. A communication from Columbia to the Chattanooga Times says that the people were shocked beyond measure at the killing of Carmack in Nashville. Business had been suspended and was not resumed until after the funeral. The body of Mr. Carmack was carried to Columbia the next day (November 10, 1908), reaching there at ten o'clock that morning. There was much bitterness against the Coopers, who were well known at Columbia. Many threats were made, but as a whole the people received the news more in grief than in anger.<sup>2</sup> The Carmack home was crowded with visitors wishing to minister condolence to the grief-stricken family. At the request of Mrs. Carmack, only a few friends accompanied her to Nashville. She was joined by George H. Armstead at Franklin, Tennessee.<sup>3</sup>

Many friends gathered at the Lander home to pay their last respects to the dead editor-statesman. His Nashville friends heaped many flowers upon his casket, emblems of their love and esteem. At the Union Station there assembled many members of the Women's Christian Temperance Union, who, as the bier passed, sang "Lead Kindly Light," and as it was being put on the train sang "Nearer My God to Thee". At the Union Station many people wept; young men,

<sup>1</sup> "Former Senator E.W. Carmack Shot Down in the Streets of Nashville", Courier Journal November 10, 1908, p. 1.

<sup>2</sup> Ibid.

<sup>3</sup> "Carmack's Home Stunned by News of Tragic Murder", Nashville Tennessean November 10, 1908, p. 1.

old men, and strong men, bowed their heads and wept, for in the simple casket under the sound of flowers lay a friend upon whose likeness many of them knew they should never look again. The train left Nashville on time to arrive at Columbia by ten o'clock that morning.<sup>1</sup>

At Columbia a great throng of people had assembled to pay respect to the dead statesman. There were more than five hundred men who marched from the station to the Carmack home, where the remains were placed until the next day, November 11, to await burial. It is estimated that twenty thousand people were at the station and along the way to the Carmack home on Seventh Avenue. The Carmack funeral services were held in the First Methodist Church at eleven o'clock November 11, 1908, by the Reverend W. T. Boaz, the pastor of the Christian Church, of which Mr. Carmack was a member. Interment took place in the beautiful Rose Hill cemetery, where lie many of the heroes of the Confederate Army.<sup>2</sup> There in the beautiful Rose Hill Cemetery lie the remains of one of Tennessee's distinguished statesmen and beloved sons. Some beautiful tributes were paid to him, a few of which we mention here.

Among the messages from all over the Southland paying tribute to the dead Senator is one from Dr. Ira Landrith, the eminent divine and one time president of Ward-Belmont College: "In common with numberless others I am in grief because my friend has been slain. God pity the slayers."<sup>3</sup>

Senator James B. Frazer sent this message: "I have been shocked and grieved beyond measure at the death of Senator Carmack. I have known him intimately for many years, and I never knew a truer or more manly man."<sup>4</sup>

<sup>1</sup> "Greater Tribute Has Never Paid to a Tennessean" Nashville Tennessean, November 11, 1908, p. 1.

<sup>2</sup> "Twenty Thousand Persons at Columbia When Remains Reclined", Nashville Tennessean, November 11, 1908, p. 1.

<sup>3</sup> "Messages from Loving Friends Over the South", Nashville Tennessean, November 10, 1908, p. 1.

<sup>4</sup> "Messages Come Pouring in from Every Section", Nashville Tennessean, November 11, 1908, p. 1.



Colonel A. M. Clook, a financier of Winchester, Tennessee and later in New York, said, "Tennessee's greatest citizen has given his life for prohibition."<sup>1</sup>

Honorable A.J. McLaurin, former Governor of Mississippi, sent the following message to Mrs. Carmack: "I mourn with you the death of your husband."<sup>2</sup>

Honorable Charles A. Towne, former governor of, and senator from, Minnesota, now of New York, sent this: "Please accept sincere sympathy in which Mrs. Towne joins."<sup>3</sup>

John Temple Graves, formerly of Georgia and later of the New York American, sent this message to the Tennessean: "Will you please convey to Mrs. Carmack my sincere sympathy."<sup>4</sup>

The following message came from the pen of Vice-President Charles W. Fairbanks at Indianapolis, Indiana: "I esteemed the late Senator Carmack greatly as a personal friend. He was a man of commanding ability and loyal to his convictions. He was a public servant and a patriot in the fullest and best sense."<sup>5</sup>

Mr. Alfred J. Brandon of the Brandon Training School at Wartrace, Tennessee, had this to say about the deceased: "Edward W. Carmack will be greatly missed, for he was the exclusive property of no political party, but the common property of all Tennessee. His life was a rebuke to political narrowness and a protest against all forms of corruption."<sup>6</sup>

Miss Susie Gentry of Franklin, Tennessee, had this to say about this citizen of the volunteer state: "Tennessee has just cause to be proud of many things, but her greatest pride lies in the fact that in her borders were born, lived and died, two martyrs heroes - Sam Davis and Edward Ward Carmack."<sup>7</sup>

<sup>1</sup> "Messages Come Pouring in from Every Section," op.cit.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> "Tribute to Senator Carmack", Nashville Tennessean, November 18, 1903, p. 4.

<sup>7</sup> Ibid.

It was announced through the columns of the newspapers of the state that there would be held on Sunday afternoon, November 15, 1908, in the Hyman Auditorium, a memorial service for Carmack. A number of the most prominent men of the state were to be on the program, especially some of his closest friends and supporters. The exercises were of the simplest form, in keeping with the man; but they were of the greatest interest, and by their very simplicity they were very impressive. The speakers were all strong men and stood for the same principles that Carmack died for. The music was furnished by Professor Henry Weld, who led a chorus, at Vanderbilt University, of one hundred and fifty young men, with Professor Franz J. Strahn, now in charge of the music department of the Western Kentucky State Teachers College, at the piano, and the Wesley Hall Quartette of Vanderbilt University also rendered some numbers. Below is given a copy of the program which was rendered on Sunday afternoon, November 15, 1908:<sup>1</sup>

Dr. Allen G. Hale presiding.

Hymn - - - - - "All Hail the Power of Jesus Name"  
by the Audience led by Professor Henry P. Weld.

Prayer - - - - - by the Reverend Philip Y. Hendleton

Introductory remarks by the Chairman

Address - - - - - Professor William R. Webb

Music - - - - - "Lead Kindly Light"  
Wesley Hall Quartette, Vanderbilt University.

Communications

Resolutions.

Doxology

Benediction - - - - - Reverend William B. Taylor.

At least thirty minutes before the time to open the doors of the auditorium a great throng of people gathered which reached back into the street and back on the sidewalk several yards from the building. When the doors opened, the auditorium was filled to its fullest capacity.<sup>2</sup> When time came to start the program, it was learned that Bishop E.B. Ross could not be present but had sent

<sup>1</sup> "Memorial for Senator Carmack This Afternoon", Nashville Tennessean, November 15, 1908, p. 1.

<sup>2</sup> "No Greater Tribute Ever Paid a Son of the Volunteer State", Nashville Tennessean, November 16, 1909, p. 1.



his address, which was read by Dr. Horace M. Dubose.<sup>1</sup>

Professor William A. Webb was present and made his address as was planned in the program. Professor Webb said, "I heard him when he made his first original speech in public." It was truly a reproduction of Carmack's life, personality, and achievements that made Professor Webb's speech so profoundly interesting. In speaking of his comrades at school, his teacher said; "Many of his comrades at school have risen to great eminence in law, in medicine, in the ministry, authors of great books, D.D.'s, deans of theological faculties, presidents of great schools and colleges, and I know of not a single one who does not loyally support him in his political aspirations, and I have never seen one who was not his warm personal friend". Professor Webb was still the president of the Webb School and ever was the warm friend and supporter of Carmack.<sup>2</sup>

The next address was by the Hon. George H. Armistead, who was in previous years the very warm friend and adviser of Carmack. In his speech he said in part: "We know that already fame has claimed him as her cherished child and that the future will embalm him in its imperishable bosom." The speaker declared further that "Few public men were more misunderstood than Edward Ward Carmack." This was one of the most touching speeches made and so much so was it that many people were brought to tears.<sup>3</sup>

At this memorial service many messages and communications were read from people all over the state and some from without. Among the most prominent were communications from Bishop E.B. Boss, Memphis; Dr. E.B. Chappell, Nashville; James A. Robbins, McKinzie; and a number of others.

Memorial services were held all over the state on this Sunday afternoon;

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2 "Senator Carmack's Great Teacher Makes Address", Nashville Tennessean, November 16, 1908, p. 1.

3

"Eloquent Tribute by One of His Closest Personal Friends" Nashville Tennessean, November 9, 1908, p. 1.

Never before were churches, auditoriums, and meeting places so thronged with people. At almost every county seat in the state there were memorial services held. "The keynote struck in every meeting was a bugle call to the temperance forces to rally to the standard, and even though the bearer has fallen, for since he has died that it might proudly wave, it must not be struck down."<sup>1</sup> Truly did every loyal Tennessean realize that he had lost a standard bearer, but this made him renew his courage and determination. "Although Tennessee mourns with a bleeding heart the death of her well-loved son, stars of hope gleam through the tears of grief and thousands of his friends have vowed that his death shall not have been in vain."<sup>2</sup>

The year 1909 ended one of the most exciting and stormy times politically in the state; one of Tennessee's well-known statesman of the time had passed and was now only in the memory of his fellow-citizens. Where the burden of blame rightfully belongs or whether there be little to choose in the matter of fault on both sides, are questions of little consequence in comparison with the fact that Tennessee was the poorer for the tragic and needless death of one of her brilliant sons in the full blush of weight and power. That a tragedy of such character should have resulted is blamable directly to both sides and to that mistaken sense of honor which makes murder the final arbiter of personal difficulties.<sup>3</sup>

<sup>1</sup> "Memorials Held for Honored Dead all Over the State, Nashville Tennessean, November 10, 1908, p. 1.

<sup>2</sup> Ibid.

<sup>3</sup> "Death of Carmack, Editorial," Louisville Times, November 10, 1908, p. 6.



## CHAPTER V

THE COOPER-SHARP TRIAL AND ITS  
POLITICAL EFFECTS

## Cooper and Sharp Indicted.

Ex-Senator Carmack was killed on the afternoon of November 9, 1908, at Seventh Avenue and Vine Streets. Colonel Duncan B. Cooper and his son Robin met Carmack, and the tragedy occurred. The Coopers claimed that the cause for their grievance against the Senator was offensive editorials. They claimed, too, that they had notified the Senator not to mention their name in the paper any more, a warning which he did not heed. A Davidson County grand jury was called and assembled in the Court house Thursday, November 12, 1908, just three days after the murder took place. The grand jury was as follows: Esquire J.M.Vaughan, foreman, J.C.King, A.F.Thompson, S.W.Abbey, G.W.Morgan, J.A.Cox, J.C.Gile, W.J.Hobson, T.R.Mitchell, J.B.Cartwright, R.R.Kirby, A.J.Graves, and B.F.Hill. W.T.Jones was officer of the grand jury. This jury consumed only twenty-four hours in the investigation of the case. At a quarter past two o'clock Friday afternoon this jury returned an indictment charging Duncan B. Cooper, Robin Cooper, and John D. Sharp with murder, and John D. Sharp with being an accessory before the fact.<sup>1</sup>

The action of the grand jury was very quick, as was expected. The indictment returned in this case was presented to Judge Hart by foreman J.W.Vaughan of the grand jury and was signed by Attorney-General Jeff McCarn. Only six were examined, whose names appeared on the back of the indictment. These

<sup>1</sup> "Two Coopers and Sharp Indicted by Grand Jury", Nashville Tennessean, November 14, 1908, p. 1.

witnesses were Mrs. Coby D. Carmack, widow of the dead senator; Mrs. Charles Eastman; Carey A. Folk; Dr. James Wittenberg; Mrs. Martha Morgan; and Miss Mary Shiffington, State Librarian. The name of S.W. Carmack appears as prosecutor of the case.<sup>1</sup>

The indictment was as follows:

"State of Tennessee, Davidson County, September term of the criminal court, 1908.-The grand jurors for the State of Tennessee, duly elected, empaneled, sworn and charged to inquire for the body of the county of Davidson, and state aforesaid, upon their oath aforesaid, present:

"That D.B.Cooper, Robin Cooper and John D. Sharp of said county, yeomen heretofore, to-wit: On the 9th day of November 1908, with force and arms, in the county aforesaid, unlawfully, feloniously, wilfully, deliberately, premeditatedly and maliciously, did make an assault upon the body of one E.W.Carmack, and him, said E.W.Carmack, they, the said D.B.Cooper, Robin Cooper and John D. Sharp, then and there did unlawfully, feloniously, wilfully, deliberately, premeditatedly and of their malice aforethought, kill and murder, against the peace and dignity of the state.

"And the grand jurors aforesaid do further present that the said John D. Sharp of said county, on the year and day aforesaid, did unlawfully, feloniously, wilfully, deliberately, premeditatedly and maliciously, move, incite, counsel, hire, command and procure the said D.B.Cooper and Robin Cooper, the said murder and felony in the manner aforesaid to do and commit, and against the peace and dignity of the state.

"JEFF McCARR, Attorney-General".<sup>2</sup>

The examining trial came on Saturday, November 14, 1908. General M.H.Meeks, who was attorney for Sharp, stated that he would get bail for his client as soon as the proceedings reached the proper state.<sup>3</sup> Many people thought that the attorneys would make a move to secure bail for the prisoners, but Colonel Cooper refused to allow his friends to secure bail for him at this time. It was thought by some that Colonel Cooper would desire bail later and would be released. Robin Cooper was yet in the hospital, but the doctors reported that his wound would soon be healed and that in a short time he would be removed to the county jail.<sup>4</sup> The Coopers were bound over to await the

<sup>1</sup> "Two Coopers and Sharp Indicted by Grand Jury", op.cit.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



action of the January term of court, and remained there until March 20, 1909, excepting when they were brought out to stand trial in court.<sup>1</sup>

On December 20, 1908, attorneys for the defendants began the arguments for a motion to allow the prisoners bail on bond, but this was not allowed by Judge William M. Hart, and the prisoners remained in jail until the day of the trial, January 20, 1909. A venire of five hundred men was summoned from over the county, and by the time court convened there were enough of the veniremen there to begin selection of the jury.<sup>2</sup>

Many people in Tennessee had expressed opinions about this case. Few murder cases in the United States have attracted more attention than this one. Some people thought the Coopers would invoke the plea of self-defense; others said, since they were the aggressors, they could not plead self-defense.<sup>3</sup> In two similar cases the Supreme Court decided that the aggressor could not claim self-defense. One was in the case of Irvin against Simmons. In this case the mother of the two Irvins had threatened Simmons, stating that her son was going to kill him, and the next day, when Simmons met the two Irvin boys, one of them did make an attack on him. Simmons drew a pistol and wounded both of them, when they killed Simmons and attempted to claim self-defense. The court held that they were not entitled to claim self-defense. The other case was that of Smith against the state from Weakley County. The two Smiths made a move to attack Fowler, when Fowler's brother intervened and was killed by one of the Smiths. Smith attempted to claim self-defense, but the right of self-defense was denied. The Supreme Court of the state of

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<sup>1</sup> "Resume of Leading events in the Famous Cooper-Carmack Case", Nashville Tennessean, April 14, 1909, pp. 1 and 12.

<sup>2</sup> Ibid.

<sup>3</sup> "Coopers Cannot Invoke Plea of Self-Defense", Nashville Tennessean, November 13, 1908, pp 1 and 2.

Tennessee has held that "the ordinary criminal has not the right to take a man's life even when the man fires the first shot, if the aggressor started the fight."<sup>1</sup>

Governor Patterson's movements were watched very closely during the time from the day of the murder until the day of the trial. He left almost immediately for Memphis, where he attended a meeting of the Cotton Growers Association, and returned to Nashville, Wednesday morning, November 11. While in Memphis he was approached by a reporter for the News-Scimitar, who asked him for a statement regarding the murder. Mr. Patterson replied, "My train was nearly two hours late into Memphis, and I am very tired. I cannot talk of the matter. You understand, sir, I refuse to be interviewed."<sup>2</sup> At this time a posse of men had murdered Colonel Quinten Rankin and made an attempt to murder his friend R.E. Taylor at Walnutlog, near Reelfoot Lake, in Weakley County, Tennessee. Governor Patterson left Nashville at once with the state militia to go to the scene of the riots, where he intended to make an effort to hunt down and punish the offenders in the matter, who were called "Night Riders".<sup>3</sup> Many people in all walks of life were watching Governor Patterson and especially the newspaper men and officials. It was charged that Governor Patterson failed to discharge his sworn duty when he, knowing that the Coopers had threatened Mr. Carmack's life, failed to stop Colonel Cooper and therefore was indirectly responsible for the death of his political rival.<sup>4</sup>

#### The Cooper-Sharp Trial

When the time came for court to assemble, the sheriff called for order,

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<sup>1</sup> "Coopers Cannot Invoke Plea of Self-Defense", op. cit.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



and the Court met pursuant to adjournment. This was January 20; the Cooper-Sharp case was called that day. When it was ascertained that both the defense and state attorneys were ready for trial, the first and main problem was the selection of a jury. From a venire of five hundred men, sixty-four names had been called by the end of the first day, and the men examined for jurors. Four men had been selected from this sixty-four: E.L.Burke, a carpenter of the Sixth Precinct District; J.B.Leigh, a farmer of the Third District; Robert McPherson, a farmer of the Ninth District; and G.A.Lane, a farmer of the Third District. Many thought that selecting the jury would be a short job, but it did not end until February 12. On January 21 J.M. Whitworth, a farmer of the Third District, was chosen, as was also Casper Schmuyn, a farmer of the Fourteenth District. On January 22 Juror Leigh was excused and arrested for perjury. On January 25 J.F.Jackson was chosen and on January 28 was dismissed. He lived in the Thirteenth District. On January 28 ex-Sheriff T.L.Cartwright was arrested on charge of perjury in connection with his examination for jury service. J.B.Vaughan, a farmer of the Third District, was selected this same day. Shiloh M. Hyde, a farmer of the Thirteenth District, was selected January 26. Two more jurors were selected January 29: Gus Wipster, of the Fourteenth District, and F.O.Beerman, a real estate dealer of the First District.<sup>1</sup> The court then adjourned for a day or two until a fourth venire of five hundred men were being summoned to meet February 2.

J. A. Woodruff, a farmer of the Fourteenth District, was selected on February 3, and on the same day another juror, Jacob Fruitger, also a farmer of the Fourteenth District, was chosen. On February 4 J.M.Whitworth was excused. W.A.Adcock, a farmer of the Fourteenth District, was selected

<sup>1</sup> "Resume of Leading Events in the Cooper-Carmack Case", Nashville Tennessean, March 19, 1909, p. 1.

February 19, and therefore, another session of the Grand Jurisdiction, was chosen February 20, making the jury complete. It took twenty-three days to select this jury, and in doing so a number of arrests were made for perjury. On securing this jury two thousand nineteen names were drawn from the box, six venirees were summoned, and twenty-four panels exhausted, while one hundred twenty-five names on the last venire were not called. Of the names in the six venires one thousand two hundred eighty-six were summoned by deputies who rode all over the country running men through all kinds of weather and over muddy roads.<sup>1</sup>

When the jurors were chosen, the hearing of the evidence began. Among the state's witnesses to testify were Dr. McNeeters Glasgow, J.J. Vertrees, Miss Daisy Lee, Mrs. Blake, Mrs. Whorter, Dr. J.A. Witherspoon, Frank Langer, Mrs. Ida Clyde Clark, Miss Ella Lamb, J.B. Lewis, Mrs. Mason, Mrs. Williams, and others. The court then heard the testimony of John D. Sharpe and Robin Cooper, and they in turn were followed by Colonel Duncan E. Cooper. Among the witnesses to testify for the defense were Governor M.R. Patterson, General Tully Brown, Major W.C. Vestrees, Lieutenant Winston Fletcher, J.C. Bradford, an uncle of Robin Cooper and an attorney in the case. Drs. Duncan Eve and G.P. Edwards also testified. The state began its rebuttal proof March 4 and finished March 6. The defense began its rebuttal proof the same day, finishing by noon of that day. As it was Saturday and the evidence was completed, the court adjourned until Monday, March 8.<sup>2</sup>

The interest of the people in the case was at its highest when the attorneys were to begin the arguments Monday morning. There was not a foot

<sup>1</sup> "Resume of Leading Events in the Cooper-Carrack Case", Nashville Tennessean, March 19, 1909, p. 1.

<sup>2</sup> Ibid.



of available space in the court room, while hundreds stood on the outside and begged for admittance. In this case was a notable array of counsel. Attorney-General Jeff McCarn, of Nashville, led in the prosecution of the case and made the final speech. He was assisted by Guston W. Fitzhugh, of Memphis, also by General Job Garner, E.H. Hatcher, and Judge Sam Holding, both of the last named of Columbia. The counsel for the defense was Judge J.M. Anderson, regarded as without a superior in Tennessee or the South. Next following him were General E.H. Washington, Judge James C. Bradford, Judge M.E. Meeks, A.G. Ewing, James A. Ryan, and J.D.B. Debee, all of Nashville.<sup>1</sup>

The arguments began Monday, March 8, the state opening the discussion with a speech by G.T. Fitzhugh, who spoke for four hours and fifty minutes. General M.E. Meeks made the opening speech for the defense. He spoke for four hours and forty minutes. General Job Garner made the second speech for the state, speaking four hours and ten minutes. The second speech for the defense was made by General W.H. Washington, who began as soon as General Garner was through and spoke all the remainder of the day, Wednesday, all through Thursday's session, and until eleven o'clock Friday morning, his argument lasting nine hours and thirty minutes. He was followed by Judge J.M. Anderson, who did the summing up for the defense. Attorney-General Jeff McCarn did the summing up for the state, occupying six hours and five minutes, closing the arguments on Monday morning, March 15. The arguments occupied thirty-three hours and fifteen minutes, the defense occupying eighteen hours and ten minutes while the state used only fifteen hours and five minutes.<sup>2</sup>

<sup>1</sup> "Resume of Leading Events in the Cooper-Carmack Case", Nashville Tennessean March 19, 1909, p. 1.

<sup>2</sup> Ibid.

Judge William M. Hart delivered his charge to the jury March 17, 1909. This was an exhaustive type-written document covering the different phases of the case, and the jury retired that morning to consider the case. They were in deliberation for two days before they ever made any report. On March 18 the jury returned a verdict of acquittal for Sharp but reported that they were tied as to the guilt of the Coopers. Judge Hart sent the jury back for further deliberation and stated that he would not discharge them until he was sure that a decision could not be reached. Some of the jurors were ill and worn out from the very strenuous days they had spent in the courtroom. In answer to Judge Hart's inquiry as to whether a decision had been reached, the jurors answered, "We are unable to agree on the Coopers yet."<sup>1</sup> All Nashville was in suspense waiting for the decision of the jury. The jurors went to supper on Friday night, March 19. After supper they continued their deliberation until eight o'clock, and no decision had been reached yet. At last on Saturday morning, March 20, 1909, at daybreak the jury agreed upon a verdict as to the two Coopers, giving each twenty years in the penitentiary, under a conviction of murder in the second degree. About twenty-five ballots had been taken.

The decision came as a surprise to many, especially to the friends of the Coopers. A motion was then made for a new trial, which was overruled by Judge Hart. The defendants immediately made an appeal to the supreme court, assigning as their claim for appeal many errors upon which they sought to obtain a reversal of the jury's verdict regarding the Coopers. Judge Hart allowed the appeal and fixed the bond for the Coopers at \$25,000. each. Although it seemed to be a heavy bond, it was over-subscribed many times. There was a rush to sign the bond, and enough signed it to total nearly a million and a

<sup>1</sup> "No Report Made by Carmack Jurors", Courier-Journal, March 19, 1909, p. 1.



ball calling. Many of the wealthy citizens of Nashville wanted to sign the bond even after they had signed. James E. Caldwell signed for twenty-five thousand dollars on each bond, and H.B. Cheek and C.W. Anderson signed for two-thousand five hundred dollars each on each bond.<sup>1</sup>

The case was presented to the supreme court April 1. This was an epoch-making point in the history of the highest court in the state. It was the court of last resort in the state. The trial and the arguments lasted for three days. Judge J.W. Anderson appeared for the defendants and made the opening speech. For the state, attorney-general Charles F. Cates made the opening speech. No more forceful, eloquent, or able lawyer could have appeared to uphold the rights of the state than this man. General Luke B. Wright, of Memphis, the third of this trio, was also a great lawyer and a man of wide reputation. Those fortunate enough to gain admittance to the court room were very richly repaid in hearing General Wright's speech, for it was a master-piece.<sup>2</sup>

As soon as the judges of the supreme court had time to review the evidence, the decision of the case was given out. The supreme court affirmed the verdict of the lower court relative to Colonel Cooper but reversed the case of Robin Cooper. Governor Patterson pardoned Colonel Cooper the next day, and the case of Robin Cooper was finally wholly dropped. Patterson later in some of his campaign speeches assigned some reasons for the pardoning of Colonel Cooper. He said, "It took the supreme court seventy-two days to decide the case of the Coopers, but it did not take me seventy-two minutes to decide the case."<sup>3</sup> The supreme court decided from the evidence that was presented, but Patterson said,

<sup>1</sup> "Review of Recent Events in the Famous Cooper-Cutback Case", Nashville Tennessean, April 14, 1909, p. 1.

<sup>2</sup> Ibid.

<sup>3</sup> The writer heard the speech made by Governor Malcolm R. Patterson in Dover, Tennessee, July 9, 1910.

"The supreme court decided that the Coopers were guilty, but I knew them to be innocent."<sup>1</sup>

### The Political Effects

There was so much politics in this case that the action of Mr. Patterson caused a division in the major party in Tennessee at that time. The judges of the supreme court, who concurred in the decision of the court in the Cooper case, bolted the party and would not support Patterson, who was a candidate for reelection in 1910. This caused the Independent Democrat party to be formed in Tennessee, which voted with the Republican party and elected Ben. W. Hooper for Governor. Patterson resigned his candidacy for the Governorship, September 10, 1910.<sup>2</sup>

The legislature of Tennessee in 1909 passed an act authorizing the erection of a monument to Senator Carmack on the Capitol grounds and appointed a committee with full power to select the location for the proposed monument. It was the purpose of the Carmack Memorial Association to erect this monument somewhere on the Capitol grounds at an early date. Capitol Hill was called Campbell's<sup>3</sup> Hill in early times in Tennessee. Through the generosity of the city of Nashville, the state Capitol was established there in 1845.<sup>4</sup> Since that time only four monuments have been erected on the Capitol grounds. The equestrian statue of General Andrew Jackson was unveiled there in 1880. The stately tomb of James M. Polk was removed there in 1893. In 1909 the Daughters of the Confederacy unveiled the statue of Sam Davis, who was a Civil War hero. On June 6, 1925, the Carmack Memorial Association unveiled the monument to Edward Ward Carmack. This monument stands at the entrance to the Capitol grounds

<sup>1</sup> The writer heard the speech made by Governor Malcolm R. Patterson in Dover, Tennessee, July 3, 1910.

<sup>2</sup> S.M.D. North, American Yearbook, 1910 (New York, D. Appleton & Company, 1910), p. 823.

<sup>3</sup> "Oration of Guston T. Fitzhugh at the Carmack Monument Unveiling" (Nashville 1925), p. 1-3.

<sup>4</sup> S.R. McGee, History of Tennessee (New York, American Book Co., 1911), p. 102.



on the east side of Capitol Square.<sup>1</sup>

The promising career of Edward Ward Carmack began when he was elected to the state legislature in 1884; it was brought to a violent end when he was assassinated on the streets of Nashville in November, 1908. It is not necessary to go on with the story that followed Carmack's death other than to state that he is as popular today as when he was killed twenty-three years ago. To the casual reader who might chance to read this may the thoughts herein given serve to strengthen his desire for good citizenship and inspire him to build upon the foundations of peace and good will to men and thereby hasten the destiny of our mighty republic for good, in which are centered the dearest hopes of mankind.

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<sup>1</sup> "Oration of Gaston L. Fitzhugh at the Carmack Monument Unveiling." on file.

APPENDIX A

Significant passages from Governor M. B. Patterson's opening speech in the Carmack-Patterson Campaign of 1908, given at Nashville, Tennessee, April 11, 1908.

GOVERNOR PATTERSON OPENS CAMPAIGN FOR RENOVATION

CHIEF EXECUTIVE OF STATE ADDRESSES SPLENDID AUDIENCE  
AT THE VINCENNES AND FULLY REVIEWS HIS ADMINISTRATION,  
HIS UTTERANCES BEING ENTHUSIASTICALLY RECEIVED.

Ladies and Gentlemen: On the 5th day of October, 1905, I delivered on this stage the first speech of a campaign for the Democratic nomination. After a stubborn contest, remarkable for its duration, the hardships it entailed and the varying fortunes of the candidates, as each county would express its choice, I became the nominee of the party in convention assembled.

My inauguration as Governor occurred on the 17th day of January, 1907, and since then I have been Chief Executive of Tennessee. In one of the fables of Aesop this account is given of the Wolf and the Lamb:

"A hungry wolf one day saw a Lamb drinking at a stream, and wished to frame some plausible excuse for making him his prey. 'What do you mean by muddying the water I am going to drink?' fiercely said he to the Lamb. 'Pray forgive me,' meekly answered the Lamb; 'I should be sorry in any way to displease you, but as the stream runs from you toward me, you will see that such cannot be the case.' 'That's all very well,' said the Wolf, 'but you know you spoke ill of me behind my back a year ago.' 'Nay, believe me,' replied the Lamb, 'I was not then born.' 'It cannot have been your brother then' remarked the Wolf. 'It cannot have been, for I never had any,' answered the Lamb. 'I know it was one of your lot,' rejoined the Wolf, 'so make no more excuses.' He then seized the poor Lamb, carried him off to the woods and ate him. But before he died he gasped out, 'Any excuse will serve a tyrant.'"

My political destruction being determined upon the first excuse invented was that the state would go into bankruptcy by reason of the extravagance of my administration, but when it was shown that the credit of the state was not only unimpaired but better than ever in its history, some other excuse had to be given, and it was charged that I was too friendly with the liquor interests,



but when the record was made, and it was discovered that more temperance measures had been passed which received my approval than under any previous Governor, some other reason had to be invented, and then it was charged that I had opposed a state wide primary, which the people were demanding, but the truth began to dawn that the alleged demand was to a large extent manufactured for the occasion, and that the plan adopted by the committee not only gave the people a direct vote but was altogether the fairest and best ever devised to nominate candidates for other offices.

With reasons and patience both exhausted, I am still to be devoured, and I might well say with the lamb, "That any excuse will serve a tyrant," but the comparison may as well end here, for I do not intend to peacefully submit, and the wolf must fight for his dinner.

There are men in Tennessee who have never forgiven me for the crime of success. After my nomination, although my title was unquestioned and unchallenged, there were some who called themselves Democrats, but whose real allegiance, so far as I was concerned, was of such doubtful tenure, that they either gave me negative support as the nominee of the party, or secretly aided the Republicans to encompass my defeat. Failing in this, from the hour I took the oath of office until now, they have resorted to every scheme to discredit my administration. If I had been the most obnoxious Republican in the state, they could not have given me less praise or more censure.

Instead of being generous and patriotic enough to wish my administration a success, they were ungenerous and unpatriotic enough to want it to be a failure, though the people might suffer and the credit of the state be impaired. -----In the midst of all this vituperation and calamity, I have stood unmoved, unwilling to compromise the dignity of the state and the great office I held by unseen controversy, awaiting for the day to come when I could lay my record before the people of Tennessee and render my account to them. -----

The time has now come to break the silence which my office imposed and my own conception of propriety. If I have been clear in office, I would like to serve the accustomed four years, but if it be decreed that party precedent shall be broken, that I must retire at the end of two years of service and not be given fair opportunity to carry out my ideas or bring unfinished work to a successful conclusion, it may be written that I felt disappointment, but it shall not be written that I sulked or attempted to betray the party into the hand of the enemy.

If the flag I once carried to victory against the strongest man in the Republican camp shall be transferred to another, I shall be found fighting under it and will follow it to victory, not only for the nominee for Governor, but for our candidate for President, who will be the twice defeated, but unbeaten, Bryan, who shall receive the electoral vote of Tennessee, if it be in my power, and that of my friends, to bestow it. In asking an endorsement I wish the fullest investigation of my official acts, and am willing to stand or fall by the record I have made. From men with grievances I appeal to me who pay the taxes and bear the burdens of government. From intolerance I appeal to tolerance, from coarse abuse to reason. From men who cloak in the robes of religion to prate of virtues they do not possess, to men whose lives and deeds speak for them. From narrow men imbued with small prejudices to those who are fair and broad in opinion, that high-bred and high-class manhood which made Tennessee famous in war, and in peace marked her as a great, conservative and a prosperous commonwealth.

Messages to the Legislature -  
Platform Pledges.

Soon after my inauguration I sent a message to the legislature on subjects I believed of vital importance to the people of the state. Later, when but fifteen days of the session remained and owing to the flood of local bills and a spirit of hostility manifested in certain quarters to oppose anything I



recommended, it seemed that the work of legislation was lagging, I renewed in a special message every recommendation in the first and earnestly called for legislative action. Twice in specific language I called upon the legislature to enact into law every plank in the Democratic platform and to redeem every promise made to the people. While all this was not accomplished that I hoped would be, very much was accomplished, and what was left undone cannot, with any fairness or justice, be charged to me.-----

#### State Improvements - Public Buildings

It seemed to me that Tennessee had suffered as a state both in the dignity and position which was rightfully hers by false notions of so-called economy by which the public money had been used in directions that did not give the people the full benefit of their taxes or the state enough to conduct its own institutions and internal affairs upon a plane commensurate with its dignity or the importance of its interests. Convinced of the necessity of legislation in new directions, I used this language in my first message: "We have reached the point in our fiscal affairs where we can continue our policy of extinguishing our debt and at the same time give to the people those benefits they ought to enjoy and which they have the right to expect. Liberal appropriations within the limits of revenue and intelligently applied is the true state of economy. Inadequate appropriations to legitimate objects and wasteful extravagance in other directions is what should be avoided. The people know that when they pay their taxes into the treasury the money will be spent - all they ask is that it be well and honestly spent. With the knowledge that we can safely appropriate and respond to the reasonable demands of a growing state, I shall invite your attention to certain subjects, all of which deserve your consideration." To relieve the over-crowding of patients in the Central Asylum, an additional building has been erected.----- I advocated the improvement of the State Capitol.----- I recommended also the purchase of a Governor's mansion.-----

## Agriculture - Live Stock

Tennessee being without a seacoast and recognizing that agriculture was the right arm of the State and that it would remain the chief source of wealth and prosperity to our people I recommended that this department of public service be strengthened.-----

## Forestry Law, Fish Law, Game Law, Pollution of Streams.

Associated with agricultural interests I recommended that legislation be enacted looking to the preservation of our forests, to the protection of game and fish and to prevent the pollution of streams.....

## Education

To educate the children of the state is the first duty of sovereign power. To neglect it is a crime. Three-fourths of all the inmates of our prisons have never had the advantages of education. What the state spends on its children it will many fold save on its men and women. It adds to the general store of wealth and intelligence, it decreases crime..... The educators of Tennessee have long thought that our public school system was in confusion and that the money spent for education was often wasted or misapplied. It was cumbersome, lacked uniformity and, as a result, the children of the state did not get what was their due, and the taxpayers had just cause to complain that school terms were too short, that incompetent teachers were employed and that money was, in many cases, recklessly and misadvantageously spent. The county Board system had been urged.----- I became convinced that a radical change was necessary, and pressed upon the Legislature the necessity for action.----- My recommendations on this subject were substantially enacted into law, resulting in the passage of the general educational bill. It marked a new era in public school education in Tennessee. It has been commended by educators in other states as being the most advanced step taken by any Southern state.



### Labor

The interests of labor were not neglected by the last Legislature but several measures were passed which have been highly beneficial and just to those who toil. As Governor, I called a conference between the representatives of capital and labor, by direction of the Legislature, on the child labor law, and the result of that conference was a set of resolutions which meet my most hearty approval. I hope the time may come when no child in Tennessee or anywhere else on earth may have its body stunted, its mind warped, its future destroyed in the sweatshops of industry.-----

### Public Roads

I failed in the effort to have a commission appointed to give the subject of good roads a thorough study with a view of formulating some plan or general law and recommending it to the Legislature, to supersede our antiquated and thoroughly inefficient system of road working. It is a subject of vast and immediate importance to the entire state, and especially to the farmers who must send their children at a distance to school and haul their products to the towns and stations. All are agreed as to the advantages and necessity of good roads in developing the state, in affording easy communication between the rural communities, and in increasing the value and convenience of the farm.

The Legislature passed what is known as "The Tollett Road Bill", authorizing the appointment of a State Highway Commissioner, and appropriating \$500,000 annually, from the surplus, after all other obligations and general appropriations have been paid, to be apportioned among the various counties in proportion to the number of square miles in each, and to be used in the construction of public highways. Its ultimate object, as expressed in the act, is to connect all the county towns of the state by a general system of pike roads.

### Insurance Legislation

The Legislature enacted a number of wholesome laws relating to both life and fire insurance companies, and Tennessee is now in the front rank of states in these particulars.

### Confederate Pensions

I recommended also an increase in pensions of Confederate soldiers and their dependent widows, believing that the people would not want either to suffer as old age and penury crept upon them, and were willing out of the taxes they paid that enough should be given to make the pathway to the grave as comfortable as possible.----- The increases were made, and on March 1, 1908, 1,036 soldiers and 637 widows were added to the rolls.-----

### Public Health, Dentistry, Optometry, Pure Food and Drug Law.

I earnestly recommended the passage of a pure food and drug law in line with Federal Legislation on this subject, the purpose of which was to prevent the adulteration or misbranding of food and drugs and such a law was enacted by the Legislature. Competent men have pronounced it one of the best of all enactments on this subject, it meets the hearty support of physicians and druggists, and is intended to protect the health of the people against poisonous food and drugs. An act was also passed to prevent the spread of tuberculosis, by requiring certain sanitary regulations to be observed in the shops, factories, etc.-----

### State Guard.

I recommended also that sufficient appropriations be made for the militia of the state to get the benefit of the aid which the government gave state military organizations. This was done and the result has been that the militia of the state is better equipped and is on a better basis than probably ever before, and is ready to meet any ordinary emergency which may arise, threatening the peace and order of the state.



Railroads, Passenger Fare,  
Car Shortage

An act was passed requiring railroads and other common carriers to settle all claims for loss or damaged freight and for overcharges on freight when the claim is for \$30 or less, in ninety days, and another increasing the powers of the Railroad Commission.-----

Charitable and Penal Institutions,  
Pardons, Herbert Domain

The people may well congratulate themselves upon their institutions of charity. I have personally inspected these and can testify to the excellence of the management of all. As Governor, I am more immediately responsible for the management of the state penitentiary, and I wish to make public acknowledgement of the good work of the Prison Board, and the general management of the system. No official connected with the penitentiary has borrowed or used the money of convicts, which they have made by overtime work, none are in debt to the state, and the convicts are better fed and more humanely treated than ever in the history of the system. Under the convict lease system and the operation of the coal mines at Brushy Mountain, the state has not only maintained its prisoners without cost to the tax-payers, but has received a large revenue. Under my administration the revenues have been increased and the receipts from the coal mines have been the largest since their operations began.-----

I wish to remind the people of the state that the Herbert Domain was purchased by the previous administration, and one of the reasons assigned was, that the mines at Brushy Mountain were being rapidly exhausted. While this has not proven correct, yet I do not wish to unjustly criticize that purchase, for it may prove a great source of revenue when developed. The Board of Prison Commissioners, with my approval, are just beginning the development of the Domain.

----- A tuberculosis hospital has been ordered erected at the main prison, which is intended to separate the patients from those not affected.

## Pardons

The pardoning power lodged in the hands of the Governor by the constitution is one of delicate and grave responsibility. No man knows what it means, unless he has exercised it, or witnessed the distressing scenes, heard the plea for mercy as it goes up for the erring from the lips and heart of sister, wife, and mother, has seen the eye all wet with the tears of sorrow and felt the deep tragedy and pathos of it all.

To relieve suffering is the natural impulse of every human heart, and to be the Governor does not take away man's humanity. I have felt for those in distress, and whenever I could, without harm to the state, have relieved them. My record for pardons has been larger than usual, but I am not sorry, it might have been still larger without injury to society or the cause of justice. Since I have been Governor dry territory has largely increased, and as a consequence violations of the liquor laws have been more frequent. Those who criticise me for pardoning a few of these violators forget to mention the many I did not pardon.

From the 17th day of January, 1907, when I became Governor, to April 1, 1908, I pardoned in forty of these cases, and my predecessors, during the corresponding time, pardoned in thirty-two cases.----- In the past I have had a good deal to do with the prosecution of crime, and am probably more familiar as a lawyer than most Governors have been with the administrations of criminal justice.--- When I became Governor, I determined that these unfortunates (the poor) should not be overlooked. I have given personal examination and inspection of our prison conditions, and found what I supposed would be found - many who were deserving of clemency and who were either too poor or friendless or ignorant to have their cases prevented. I discovered many convicts in a pitiful physical condition, a loss to the state because they could not work, silently suffering and doomed to lives of torture. A few of these cases were totally blind - - several with head and back crushed, several with legs gone.----- There they were, help -



less, hopeless, waiting for the day that death might end it all. For these I opened the prison doors without a petition or a plea for mercy and let them go out again to live, though it be for only one day of freedom in the sunshine of God.----- I saw boys, black and white, from 10 to 16 years, in the garb of felons. To let them stay with men hardened in sin and crime was to doom them to an earthly hell and close the door of hope forever. I opened the door and sent them out into the world again. - ----- I have pardoned many others from the penitentiary. - - - - - I have listened to the cry for mercy, and have acted as God gave me the light to act, and those my critics and condemn who will.

#### Election Laws, Party Nominations.

One of the main features of my canvas for Governor was to purify our elections and to safeguard the ballot box against fraud. I argued before the people that the power lodged in the hands of the Governor to appoint Commissioners of Election. ---- That fraud ----- and party factionalism should cease and give way to open, fair and honest political methods.----- A law was then passed authorizing the Governor to appoint three members of a State Board of Election Commissioners, and who should exercise all the powers now conferred by law upon the Governor. The legislature also passed what is known as the "pure election law" to prevent fraud and corruption in all mass-meetings, conventions and party primaries. This law is extensive in its scope and applies to all forms of nomination, whether regular or irregular, and punishes all species of fraud whether by promise of money, office, or employment to corrupt the voter. Another law was also passed fixing the qualifications of the County Commissioners of Election. ----- These measures, taken together, are the most salutary, the wisest and fairest election laws ever placed on the statute books of Tennessee. By them so far as law can do it, the purity of all party nominations and elections is preserved.

### Local Legislation, Liquor Question

An act was passed making the abandonment by father of wife and children a misdemeanor. Race track gambling was abolished throughout the state by another act, and nearly, if not quite, 400 saloons went out of existence in Tennessee.-----  
-----In addition, I recommended an increase in the tax of liquor dealers, the Legislature doubled the tax. I approved the Pendleton bill extending the Adams law to the entire state, giving the people of all the places where liquor is now sold the right to abolish their charters and prohibit its sale, though the people of the larger cities were not demanding its extension. I disapproved the La Follette bill and the jug bill, and now give both vetoes to the people as showing my reasons.-----

The Legislature accepted my reasons and sustained both vetoes, though it could have passed them over my objection.----- In the Pendleton bill I gave the temperance side the benefit of the doubt whether or not the measure was contrary to the platform, and signed it. This record is one which every reasonable temperance advocate ought to approve. These results have been accomplished under the principle of local self-government, giving the people of the towns and cities the right to vote liquor out, and in my opinion it should be adhered to in the future as safe, fair and democratic method of procedure.

### Financial Condition of the State.

The prophets of evil and those who wished my administration to be a failure freely predicted that the bonds and securities of Tennessee would be hawked in Wall Street.----- They now say that I am not responsible for the splendid showing of the treasury.-----

The receipts during my administration are larger than ever in the history of Tennessee, and while I would have been promptly charged with the responsibility had there been a decrease of revenues, I do not claim the credit for the increase, though about \$2000,000.00 of it comes from the fees of corporations, the increased liquor tax and the excess of profits from the mines over previous years.



The taxes have been paid by the people, and it is the highest evidence of their prosperity and growth of the state. This condition of our fiscal affairs ought to be a source of pride to Tennessee. It will be an invitation and inducement for capital to come and assist in the development of our magnificent resources. It marks the era of a forward movement, and gives renewed hope of a great and prosperous future.

#### Contented and Prosperous people

An orderly, fair and uniform method of nominating candidates in every county in the state as opposed to the disorderly, unfair and undemocratic method in vogue two years ago. A contented people pursuing the paths of peace, upon whose property not one mill of additional tax has been paid. An abounding and pervading prosperity, so fixed and strong that it met the stress of a nation wide financial storm and emerged unshaken in sound and hopeful vigor. An efficient government, every branch of which has been strengthened and encouraged. A state advanced in dignity and importance among the sisterhood, with a treasury full to overflowing, her securities eagerly sought in the money markets of the world, proud of her past, pusiant in the present, with her face turned toward the rising sun.

I have now rendered my account of the administration of an office exalted in power, in duty and responsibility. If it has had a measure of success, the credit is due as much to those with whom I have been associated in official life, as my own efforts to redeem promises made to the people and to retain their confidence and esteem. With the many and varied duties I have had to perform and the perplexing questions which have arisen, it would be strange that no mistakes been made, but if any there are, they are known of all men, for I have had no concealments from the public and my official life has been an open volume. Sensitive to the honor and obligation, I have tried to give honest service in return for the favor and trust of the people.

Loyal to the tradition of Tennessee, I have tried to bear myself as be-  
comes the Governor of a proud and historic commonwealth, and on her escutcheon  
blazoned with the names and deeds of her illustrious dead, there is no blot or  
stain from act of mine. Proud of my birth, my lineage, as an heir of all the  
greatness and glory of this Southern land, I have tried to steer the ship of  
state away from the shoals and breakers of schism, from the narrow channels of  
cheap and tawdry fanaticism, from the rocks of small prejudices, out from  
the broad ocean on which our fathers sailed where the expanse was unlimited,  
the waters were deep, the air was pure and free and strong.

There were men of lofty ideals whose visions were clear, whose breadth  
of thought reached out for the truths of liberty, whose minds were expanded  
with the glow of learning, whose courtesy gave charm and grace to the home,  
whose courage gave glory and strength to the state. Standing before this  
magnificent audience brings back the memory of a time when, unheralded and un-  
known, I came before the people of Tennessee. Well do I remember the kindness  
which was showered upon me, and if ages should pass and I could live through  
the flight of all, I would never forget the friends who stood with me to the  
end until victory had been won. Time may ebb and time may flow, honors may  
come and honors may go, but there is something which holds us fast with bonds  
of steel to those we love. It lives through life, until the other shore is  
spanned and there it will not die, but return to earth again as heaven's best  
gift. It is the spring from which flows the waters of his faith and hope.  
It is the golden chord which reaches from the human heart to the throne of God."

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From - Nashville Banner, Monday evening, April 13, 1908, pages 9-11



## APPENDIX B

Significant passages from Senator W. C. Carmack's Opening Speech in the Carmack-Patterson campaign of 1908. Given at Chattanooga, April 16, 1908.

"Ladies and Gentlemen: I must plead guilty of the one crime for which this administration has no pardon. I am a candidate for Governor. In the judgment of my opponents this is the one fact in my record that makes me unworthy of your respect and confidence. Those who theretofore had been loud and lavish in my praise, who had even classed me with the greatest statesmen of the Republic, who had declared me worthy even of the highest honors in the gift of the people, suddenly felt justified by the mere fact of my candidacy in denouncing me as a demagogue, as a political adventurer and a buccaneer. One of the chief organs of the administration, which had been especially extravagant in my praise, without any new fact to justify its departure except the fact that I had become a candidate and had asked for a vote of the people, declared that I ought to have my political throat cut from ear to ear, and that I be left to wallow, like a stuck pig, in my own blood. My honorable competitor himself, speaking under his strong sense of outrage that anyone should dispute his God-given right to be Governor of Tennessee, represented me in his Nashville speech as a cruel tyrant thirsting for the innocent blood, and as a savage wolf preparing to eat up this blessed little lamb. My opponent, however, will at least do me the justice to say that I am not in sheep's clothing.

### OFFICIAL ARRANGEMENT ONLY

"Ladies and gentlemen I shall patiently leave it to your judgment whether my record as a Democrat makes it a capital offense for me now to offer my services to the Democratic party. I shall also leave it to your judgment whether the record of this administration has been so infallible and immaculate that the mere fact of opposition and criticism is evidence of total depravity on the part of those who criticize and oppose it. Let me only say that if the insolence of office can so impose itself upon the public mind that a man shall

be deemed infamous simply because he challenges its supremacy and summons it to the judgment bar of the people, then the way of political transgressor will be made smooth indeed.

"Against my opponent as an individual I have not one word to utter. I should be glad to know that the years stretching out before him will be filled with honors to himself and usefulness to mankind. I even dare to say that I shall be doing the best thing for him, as well as rendering the highest service to the Democratic party, if I can rescue him from the evil influences from which he seems powerless to deliver himself, and give him an opportunity to start life anew under the guidance of wiser and more unselfish counsellors. However that may be, I have no attack to make upon this administration except by way of a just and impartial review of its record. I have no appeal to make except to your sense of public duty. I have yet to learn that in doing so, I have been faithless to my duty as a Democrat and citizen of Tennessee.

#### REASON FOR CANDIDACY

"My opponents have imagined all manner of base and unworthy motives for my candidacy. My opponent himself, while claiming the distinguished honor of being the only man, either ancient or modern that ever sought office from purely patriotic and unselfish motives, can find nothing but mean and groveling considerations in the conduct of every person who opposes his candidacy. Yet, while telling you that I am prompted by the meanest and most selfish of motives, my opponents have told you over and over again that from the standpoint of my interests I have been guilty of an act of incredible folly. Through the press, as well as more directly, they have assured me that I have but to give my self to the lucrative employment open to me, to take mine ease with dignity and that at the very first opportunity all Democrats of all factions would be ready to bear me back with 'palms of victory and crowns of glory' to



a seat in the Senate of the United States; but that instead of accepting this sure and easy triumph I had plunged into a contest in which victory itself would be but the beginning of new perils, while defeat would mean my final and complete destruction.

"Ladies and gentlemen I beg you to judge the significance of this statement in the light of your own intelligence, for if it be true, as they say, that I have deliberately put aside money, ease and honors to tread the paths of toil and hazard, then no man who credits me with a modicum of intelligence can accuse me of a base and unworthy motive. Why have I put aside every suggestion that my return to the Senate would be made smooth and easy if I would only refrain from antagonizing this administration? It is because I can not afford to win any office by consenting to the perpetuation of conditions which in my humble judgment must result in the utter demoralization of Tennessee politics and the ruin of the Democratic party. I say to you that if this administration had fulfilled with only tolerable fidelity the just expectations of the people I should never have lifted hand or voice against it. I should have rejoiced if it had so discharged its obligations that no man could have demanded of me that I make this contest.

"But it is idle to waste words on the question of motive. I solemnly adjure you to put aside every other consideration and to decide this contest upon public issues alone. Let this administration stand or fall by the record it has made. Let me stand or fall as I shall succeed or fail in showing that it does not deserve the confidence and support of the people.

MADE MACHINE THE ISSUE

"My competitor specified great and overshadowing issues, by the side of which all others were dwarfed into insignificance. No showing of fiscal economy, of abundant revenue, or an overflowing treasury, could meet such issues as these, for they concerned the fundamental principles of free government and the fundamental rights of the people. In this inaugural address he declared that the central thought of his campaign was the restoration of power to the people. He declared that the overshadowing issue in this campaign must be the one upon which all good government depends, and that is whether the people of Tennessee shall rule themselves or continue to be ruled by the merciless machine which has subverted their will and ruthlessly disregarded their rights.

"Whence came the power of this great machine? He told you that it came from the enormous power of patronage lodged in the hands of the Governor; that it came from his control of the State Committee as an instrument of his personal ambition; that it came from his control of the election machinery. He told you that so long as these conditions existed there could be no genuine reform and no free government in Tennessee.

"The very method by which Governor Patterson seeks this nomination is a mockery of the fundamental principle upon which he appealed to the people. This is not a personal issue between Governor Patterson and myself---it goes to the very fundamentals of popular government. In a recent address William J. Bryan said: 'We used to have politics controlled by the bosses, but the general adoption of the primary system has changed the control of the party from the boss to the voter. Every step that the primary makes is a Democratic step and a victory for popular government.'

"Two years ago Governor Patterson himself advocated a direct primary as a sure means of delivering the party from the rule of the bosses and the machine. Let me ask you, my countrymen, while all the States of this Union, Democratic



and Republican, North and South, are falling into line for a direct primary, why lags the proud State of Tennessee? Who holds it back from the marching column of progressive States and keeps it in subjection to the old system of bossism and machine rule?

#### GOVERNOR'S RECORD ON PRIMARY

"Governor Patterson had bound himself to the direct primary by an obligation as solemn and as sacred as ever lay upon the conscience of a public man. Although his request was without support from the Democratic press, the Democratic committees or even from his own friends and leaders, when it was denied him he denounced Governor Cox and his committee in terms of unmeasured bitterness. My petition was supported by 105 out of 117 Democratic newspapers, by 92 out of 96 County Committees—the Democratic press and the organized Democracy of Tennessee.

"What was it that I asked of my competitor? Nothing except that he be true to his record and faithful to his spoken word. When he was a candidate before, he declared that he had been in favor of direct primaries—it was with him a matter of life-long conviction. He called attention to the fact that all the States around us had adopted it; that wherever it had been tried it had worked admirably and given entire satisfaction to the people, and then he said: 'I do not see how any man can oppose a direct primary unless he fears an expression of the popular will.' Again, he said; 'I believe the nearer all elections are brought to the people the fairer and purer they are; therefore I am in favor of direct primaries to nominate all candidates for office as the best method of ascertaining the popular will, and think there is no reason to make an exception in the case of candidates for Governor.'

"Governor Patterson has now been in office long enough to make a record, and upon that record he must face the people of Tennessee. What has made him now so bitter an opponent of the system he once eulogized so highly? 'No man can oppose a direct primary unless he fears an expression of the popular will.'

## COUNTY UNIT PLAN

"Governor Patterson complains of the gross misrepresentations of the present plan. Let him challenge the correctness of a single statement I now have to make.

"I asked for a primary under which a majority of the Democratic voters would choose a nominee of the Democratic party.

"He gave me a bogus primary under which a small minority of the voters may select a nominee over the recorded protest of an overwhelming majority of the people. I challenge him to deny the truth of that statement.

"I asked for a direct primary in which every Democrat should cast his vote for the candidate of his choice and have it counted in the general result as it was cast.

"He gave me a bogus primary under which it is deliberately as a part of the system that thousands of Democrats shall vote for one candidate and have their proportion of the Democratic strength counted for the other candidate. I challenge him to deny the truth of that statement.

"I asked for a primary under which the effects of corruption would be at least limited to the number of votes actually corrupted.

"He gave me a bogus primary under which, by the bribery of a few bums and vagabonds, every honest and incorruptible Democrat in the county may be bought, sold and delivered to the corruptionist. I challenge him to deny the truth of that statement.

"I asked for a primary that would have preserved what Governor Patterson has called 'the sacred principle of local self-government' by leaving the party machinery in the hands of the local County Committees, where it has always been.

"He gave me a bogus primary, in which all the party machinery in every county and voting precinct in the State is lodged in the hands of two of his own partisans, one of them an officeholder and the other the father of an office.



holder by his appointment. These two non-resident politicians, chosen because of their personal interest in his re-election, will appoint every judge, clerk and receiver in every ward and district of Tennessee. I challenge him to deny the truth of that statement.

"I asked for a primary under which every charge of fraud or unfairness could be fairly tried and adjudicated.

"He gave me a bogus primary, under which there will be in every county in the State a returning board, selected by non-resident partisans of his own, which shall make returns of the result to a central committee, likewise composed of his partisans, and which must accept these returns as final and conclusive of the vote of each county. However false and fraudulent they may be, they can not be challenged or impeached, and you can not 'go behind the returns.'

#### PLAN REPUDIATED

"This whole scheme revolves around what is known as the 'county unit,' which my competitor parades as a new discovery of vast benefit to mankind. Now, the plain truth is that it is but a new application of a system as old as bossism and machine politics. What was the old delegated county convention? It simply meant that the candidate whose delegates should carry a ward or district by any majority, great or small, should cast the entire Democratic vote of such ward or district as a unit in the convention. It meant that if one candidate carried a large ward or district by a small majority, and the other carried a small ward or district by a large majority, one candidate would have the advantage in the popular vote, while the other would have the greater strength in the convention. It was to get away from this very system that the people in practically every county in Tennessee have adopted the direct primary, in which every Democrat is his own unit. There is not an argument he now makes against a direct primary for Governor that is not an argument against all primaries. There is not an argument he makes in favor of the county unit that is not an argument in favor of the old discarded system of the ward and



District unit. He is simply applying today in all the ninety-six counties a system which each of them for itself has repudiated, as un-Democratic and unfair.

"This plan is an insidious effort to break down the whole primary system. Already this committee has carefully laid its plans to deny the people any sort of direct vote in the nomination of a United States Senator. In refusing to include the Treasurer, Comptroller and Secretary of State they laid down the broad and general principle that wherever the Constitution provides for an election by the Legislature the committee will not authorize any sort of nomination by the people. The significance of this statement lies in the fact that under the Constitution United States Senators must likewise be selected by the Legislature and, therefore, according to this committee, they must not be nominated by the people. First the office of Governor, and then the next Senatorial election must be held firmly in the grasp of this 'dominating and merciless machine.'

#### HAS CLAMORED FOR POWER

"From the very outset of his administration, instead of giving up power, he has been crying with the voice of the horse-leech's daughters, and clamoring, like Oliver Twist, for 'more.' There was not a bill passed, nor a bill recommended by the Governor, not a bill proposed with the sanction of the administration to surrender one jot or tittle of its power. There was not a bill passed or proposed with its sanction creating, or seeking to create, a new office, that did not vest the power of appointment in the Governor's hands. In the auditor's, and the roads bills, it was provided that he should control the appointment even of the clerks and subordinates and they were made removable by him. The bank examiner's bill, which he had urgently recommended, went down under his angry veto when it vested the appointment in the Comptroller instead of himself. A measure of great importance to all the people had to die because its framers



did not minister to the Governor's hunger for the spoils of office. So far from surrendering power, he urged the passage of the Auditor's bill to strip the Comptroller's office of its natural and proper functions in order to increase the patronage of his own office, and to make it a part of his machine. So eager was he for power that in the Tollett road bill, and administration measure, as it passed the Senate, the location of every public road in the county that might be constructed under this law, was placed absolutely under his control or that of his appointees. Neither the County Court, nor any county official, nor any citizen of the county was permitted to have any vote whatever in the matter. You may see at a glance what a tremendous opportunity for favoritism and of political control would go with such a vast concentration of power.

"So eager was he for power, so far was he from restoring power to the people, that in the Memphis charter bill he sought to nullify the powers already exercised by the people of his own city by legislating out of office, in the midst of their first term, their lawfully elected officials, denying to the people the right to elect their successors, and taking the power of appointment in his own hands. It was to feed his hunger for power that his representative in the Senate, Speaker Tollett, had an amendment added to the Chestnutt bill which puts the entire school fund of the State under his management and control.

#### ISSUES TWO YEARS AGO.

"My countrymen, I put it to your candor--have I not fairly and truthfully stated the issues upon which Governor Patterson went before the people two years ago? Am I not right when I say that these were the chief issues upon which he sought his election:



- "(1) The direct primary.
- "(2) The great political machine.
- "(3) The abuse of patronage to control the action of the State Committee.
- "(4) The enormous patronage in the hands of the Governor.
- "(5) The Governor's control of the election machinery.
- "(6) The entire abolition of the 'back tax devilry.'

"These were the issues upon which he challenged his Democratic opponent, and upon these very issues I summon him to the judgment of the people.

"The rule of the people"--that was the keynote of his campaign. 'The rule of the machine'--that has been the keynote of his administration.

"I invite your attention to the Memphis charter bill. I know that honest men voted for that measure out of a natural and not improper deference to the earnest appeals of a Democratic Governor. This bill was the pet measure of the administration. To pass it his political lieutenants were gathered from every part of Tennessee. His Republican friend, Mr. LaFollette, came hurrying down from his mountain principality to lend it the weight of his support--and verily he had his reward.

#### PENITENTIARY MANAGEMENT

"Governor Patterson tells you of the increased receipts from the penitentiary, but he does not tell you that this increased revenue is due to the increased price of coal and coke, with which, of course, he had nothing to do, and that every dollar of the revenue so derived is by virtue of contracts made by the appointees of his predecessor--not one single dollar of it comes from any contract made by his administration. What Governor Patterson has done is to make a material reduction in the revenues by wholesale increase in the number of employes, and in the amount of their salaries, both at Brushy Mountain and the main prison.

"I have before me a statement compiled from the payroll made a short time since, which shows the salaries being paid at this time--let me call your attention, in this connection, to the fact that the Legislative Committee, which at the last session made an investigation of affairs at Brushy Mountain, declared



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at that time that there were more employees than were needed, and this was one of the standing charges during Governor Patterson's campaign against his competitor.

"The statement to which I refer is as follows:

"R.L. Blevins, Deputy Warden, \$90.00. No such place as this authorized by law, the legislature having expressly repealed the law authorizing the appointment of Deputy Warden.

"On the second page you will find J.L. Nelson, Steward at a salary of \$40.00 and board. The red \* on the left of each name indicates that the employe is also receiving board in addition to his salary.

"The Steward and Warden's clerk was heretofore combined in one office, and the place was for a long series of years filled by Jack Nelson, the salary being \$75.00 per month.

#### AS TO PENSIONS.

"He gives himself all the credit for the increased appropriations for Confederate veterans. The fact is that the last Legislature simply followed the policy of all its predecessors for the last ten years, as the following statement shows:

"Appropriations--1891 to 1898, inclusive, \$60,000 per annum; 1899 to 1900, \$100,000 per annum; 1901 to 1902, \$150,000 per annum; 1903 to 1904, \$200,000 per annum; 1905 to 1906, \$250,000 per annum; 1907 to 1908, \$300,000 per annum.

"Thus we see that every Legislature under every administration has increased these appropriations by the same amount, and the last Legislature simply followed the custom. What was Governor Patterson's part?

"When the Confederate Veterans held their meeting at Pulaski, honorable Frank A. Moses, Special Examiner for the Pension Board, laid before them a statement that the sum of \$300,000 would be needed to meet the demand for

increase of pensions as well as an increase from \$25,000 to \$60,000 for widows, and the veterans adopted a unanimous resolution asking for the specific sum named. When the Legislature met Governor Cox, in his retiring message recommended the specific sums asked for and bills were introduced in both houses to carry out this recommendation and had passed two readings before Patterson became Governor. What did he do? Did he recommend the appropriation of the particular sums asked for? He did not. He only recommended an 'increase'--some increase--'if necessary.' I ask you if the recommendation could have been made in a more perfunctory and half hearted way? Why was he not willing to say 'these old heroes have asked you to give them this appropriation; the Pension Board has declared that the sum asked for is needed. I will take the responsibility of asking you to give them what they ask; I will take the responsibility of saying that it is 'necessary' and that they ought to have it.'

"Governor Patterson did not put any such qualification on his recommendations of any other bill whose passage he was deeply interested in. He did not ask legislators to vote for the Memphis charter bill 'if necessary.' He didn't ask them to buy and furnish a Governor's mansion 'if necessary'. Upon all these he had a very positive opinion of his own. Upon the matter of increasing pensions his only word to the Legislature was just to act on its own judgment as to whether it was necessary--he himself had no opinion to offer and no advice to give.

#### LIQUOR LEGISLATION

My competitor and his friends have labored hard to fabricate for him a record as a great temperance reformer. In the literature that goes out from his committee he is pictured as an arch enemy of the liquor traffic, the great destroyer of the demon rum. Some of his admirers go so far as to say that, while Carrie Nation has smashed her thousands, Governor Patterson has smashed his tens of thousands. Others, less extravagant, claim that hundreds of saloons have gone to destruction under the blows of his mighty arm.



"In his campaign for the nomination of my competitor gave assurance that were fairly satisfactory to a large body of the temperance people in Tennessee, and he convinced many that he was sincerely desirous to promote legislation to restrict, if not to destroy, the evil of the saloon. The whole record of his administration has been one of intense hostility to all temperance legislation. In every movement against the saloons he has gone just so far as he was compelled to go. In every effort to save the saloons he has gone just as far as he dared to go. It is a notorious fact that Governor Patterson took upon himself the duty of organizing both branches of the General Assembly. His newspaper organs boasted that he had procured the election of Speakers entirely in sympathy with his views, and that he would be able to shape the legislation of the session in accordance with his policy. Every man interested in temperance legislation who was about the Capitol knows that there was put at the head of the two committees of the two houses to which all temperance legislation was referred two of the most open and notorious champions of the saloon, and that these men exhausted every parliamentary device to obstruct and delay the consideration of temperance measures referred to their committees.

"One of the most insidious measures introduced in that body to strengthen the saloon power in Tennessee was the Tollett road bill. It will be remembered that Governor Patterson, in his message, dwelt with force and eloquence upon the necessity of an effective road law, and urged the importance of an 'early' prompt and immediate action upon the subject. In response to this appeal the Tollett road bill was introduced in the very first hour of the session. It provided that all the revenues for road building under that law were to come from the increased taxes on saloons--not a single dollar from any other source whatever. If this bill could have been rushed through, as they made the most determined efforts to do, and before the abolition of the saloons of the State had been brought about, what a powerful argument would have been placed in the

mouth of the liquor dealers in Tennessee. It would have given the people in all the counties interested in the improvement of their public highways a vital and immediate interest in the preservation of the saloons, and all the other counties in Tennessee. If that law had been passed the people of Carter and Union, of Wayne and Hardin, and Benton and Crockett, and every other county in Tennessee, would have been confronted with the fact that to vote the saloons out of Columbia, Clarksville and Jackson would be to deprive themselves of revenue for the improvement of their public roads. The bill said, in effect, to all the people of Tennessee, if you want to have good roads you must save the saloons.

"It requires an audacity only one step from the sublime for the administration to claim the credit for all the saloons that were abolished under the Pendleton law. I will join in singing the praises of this measure and doing honor to the splendid gentleman who was the author of the bill. No man can estimate, and only the records of eternity can reveal, the great good it has accomplished. What then shall we say of the man who planted every obstacle in its path and strained all his power and influence to defeat it? That is what Governor Patterson did. I assert that he sent for Senator Pendleton himself, denounced the bill in the strongest terms, declared that he had the 'courage of his conviction,' and that he would veto it if it passed. I charge that after the bill had passed he still declared his intention to veto it; that he sent for friends, denounced the measure as an outrage, declared that it was infamous, and begged them to make a determined effort to rally enough votes in the Senate to sustain his veto. He held it up to the last moment of time, and it was not until he found that his veto would be in vain, and not until he was plainly told by his friends that it would mean his political destruction that he reluctantly approved the bill. I charge that these four hundred saloons were destroyed in spite of the most desperate efforts on the part of Governor Patterson to save them from destruction, and that if he could have had his way every one of them would still be busy dealing out ruin to the bodies and souls of men.



"My countrymen, without elaborate argument I shall present my views upon a number of important questions.

#### UNMITIGATED CURSE.

"The question of the open saloon is one of the great problems in this State, as it has been in other States. I am one of those who believe that the saloon is an unmitigated curse to the State, a great source of crime and corruption, a burden upon its industries, a blight upon its homes. I am one of those who have been convinced by the failure of all regulative and restraining legislation, that some way or other, by some method or other, the saloons must be destroyed. I have heretofore adhered to the plan pursued by the Anti-Saloon League, which found expression in the Pendleton law, whose practical effect is to leave each community to fight out its own battles with the saloons. I will say to you frankly that I had expected to adhere to that policy in this campaign. But the wise general adapts his strategy and his tactics to the movements of the enemy. A short time ago the representatives of the liquor interests, not only in Tennessee, but from other States, assembled in Nashville and issued their manifesto, slanderously assailing the character and motives of the Anti-Saloon League. They openly and defiantly proclaimed their purpose to enter this campaign with a view of controlling the politics of the State in the interest of the saloon. This means that the liquor power in this whole country will make a battle ground of Tennessee, and if we adhere to the former plan it will give them the vast advantage of concentrating all their power of corruption upon three or four points, while the great body of temperance voters in the State will be idle and impotent spectators of the conflict. My countrymen, when we see the liquor power of this whole country marshaling its battalions for invasion of this State, I believe we should summon to our standard every enemy of the saloon from the mountains to the Mississippi,

meet the enemy at the border and end this war in one great pitched battle. When that battle is over and the victory won, let us write upon the statute books a law, as long and as broad as the State of Tennessee, which will banish the liquor traffic finally and forever from every inch of our soil.

"I know there are people in Chattanooga who hope to reap a harvest of profit from the fugitive and expatriated saloons of other States, but I say to you, my countrymen, that no saloon ever added one dollar to the moral worth and prosperity of any community. I say to you that every dollar of capital invested in the saloon is a dollar withdrawn from productive enterprise and devoted to purposes of moral and economic destruction. I say to you people of Hamilton County that the curse of God is upon every saloon dollar everywhere, and that you can reap no reward, either in this world or any world to come by a traffic with the devil in the ruined lives of men, the broken hearts of women and the starved souls of little children. I appeal to the higher manhood and the higher womanhood of Hamilton County. This is a great and progressive city. You are a great and enlightened people. Proclaim it --- proclaim it, my countrymen, to all the world that you are not so given up to a blind and besotted worship of Mammon that you prize the dollars of the saloon more than you prize the peace of your homes and the souls of your neighbors.

"I have criticised Governor Patterson's position on the election laws, and I will tell you my position by saying it is practically the position which Governor Patterson took in the last campaign. The difference is that I mean it. While I realize that many honest men felt that there was a necessity for the election laws of 1897, I made my protest at that time against the passage of the bill, and I have ever since held to the opinion, so eloquently expressed by Governor Patterson, that the law is indefensible from every point of view; that such a vast concentration of the election machinery in the hands of one man is unfair, undemocratic and grossly violative of the sacred principle of local self-government. I am opposed to the law as it now stands upon the statute books



for precisely the same reasons that I was opposed to the law before it was amended. I would not go back to the old system, nor would I have any particular objection to the maintenance of an Election Board, provided that board was not appointed by the Governor, and provided its powers were properly limited and defined. Years ago, in written communications to members of the Legislature I proposed the very plan suggested by Governor Patterson in his campaign that the officers of election shall be chosen from lists presented by the County Committees of the two great parties, giving each party a representative of its own choice. There has been, and still is, need to protect some of the counties against the ignorant negro vote, but that can be done, and must be done, without legalizing a fraudulent system. I want the elections in Tennessee to be made fair and honest, and I promise you, my countrymen, if I am elected Governor, the solemn promise of Governor Patterson made upon this great question shall be redeemed under my administration.

#I also believe, as Governor Patterson believed two years ago, that 'the nearer all elections are brought to the people the fairer and purer they will be,' and that 'all officers should be nominated by a direct primary,' in order that from this time forth and forever no State Committees shall have the opportunity to meet in secret conference with a candidate and accept at his hands a plan of nomination designed to promote his interests without any regard for the rights of the people. I shall insist upon the passage of a mandatory primary election law.



Significant passages from Governor W. R. Patterson's Response to Senator E. W. Carmack's opening speech in the Carmack-Patterson campaign of 1908. Given at Chattanooga, April 16, 1908.

"My Fellow-citizens, Ladies and Gentlemen--I thank you more than I can possibly express for the generous welcome you have extended me on this occasion of my visit to your city. I have understood that heretofore a lemon party was given in Chattanooga in my honor, but I do not believe it, because I have never received the lemon and I am sure that after the cordial welcome you have given me that it was all a mistake. As a Southern man and as the Chief Executive of this great State, I have the right to be proud of the rehabilitation, on industrial lines, of the South. I have the right to be proud of this great State, with its splendid citizenship of men and women, standing today stronger than she has ever stood, and facing in confidence, a great and hopeful future. I have the right to be proud of this fair city, of our Commonwealth, this historic spot, walled in by the eternal mountains upon whose summit once blazed the red fire of war, from which now gentle peace smiles a benediction upon a prosperous and a busy and a happy people.

"I was nominated as the Democratic nominee for Governor of your State by the largest convention that ever assembled in the State. Gentlemen, I assure you that I was never in better humor in my life, and that I am enjoying immensely these pleasant interruptions. I was elected the Governor of this commonwealth over one of your distinguished fellow citizens, by a majority of nearly twenty-thousand votes. I had the right to expect that unless I have done something to discredit Tennessee, that I would be indorsed again by the Democratic party, and the people too, had the right to expect that there would be a cessation of political turmoil and tumult. But it seems that this was not to be. From the hour I took the oath of office, nay before that hour, an aggressive opposition developed, and the prophecy was then freely made before I had done one official act that I would not succeed myself as Governor of Tennessee.



### Sought for a Candidate

"These gentlemen have sought for a leader; one who could represent the elements of discontent and criticism. And they have found him in the person of ex-Senator Carmack, who once entertained some views in regard to an endorsement himself. I am glad to meet Mr. Carmack here tonight. I was not responsible for his candidacy. I did not ask him to become a candidate for Governor of Tennessee. He became a candidate, it seems, in order to save the Democracy of the State, and has been an avowed candidate although he states to the people when he announced that he would soon give his issues and his platforms, he never did so, and tonight is the first time that I have ever heard the ground of complaint and indictment that he brings against me before the people of Tennessee. He said that he would begin his campaign as soon as the Executive Committee met on the 20th of last February, and this is the first speech that he has made. He challenged me to a joint discussion before the people of this State, and I would be unworthy to represent the manhood of Tennessee if I failed to meet him in joint debate. I thank the Senator for wishing me all success in the future, very much indeed. I hope that these series of joint discussions between us will be upon the very highest possible plane. I recognize the fact that I am the Governor of this State, and that I will be the Governor again gentlemen, do not fear. And that for its dignity I shall bear myself as becomes the Governor of a proud and historic commonwealth.

### No Legislative Autocrat.

"Now, my fellow citizens, can it be said that I had control of the Legislature, when I found it necessary to veto six different bills the Legislature passed? I had this kind of an idea about the State of Tennessee. I believed it had reached that point in financial history when it could safely spend more money for its State institutions and for State betterment. I recommended to the Legislature the appropriation of money for certain specific purposes, some of which was done and some of which was left undone. The Legislature appropriated money to buy

a mansion for the Governor. I had the courage to do what other Governors failed to do, and that is to recommend the purchase of a home that the Governors of Tennessee might be comfortably and decently housed while they were representing this great people. That was done. Three thousand five hundred dollars a year was then appropriated to maintain the mansion. In addition to that, \$60,000 was appropriated to build an annex to the great Asylum for the Insane in the middle division of the State. That asylum had been overcrowded with patients. Men whose minds had become beclouded were demanding admittance, and the accommodations were all too small.

"The Legislature appropriated the money to build a magnificent annex to this great institution of the State. It appropriated \$40,000 to build an agricultural hall on the ground of the University of Tennessee. I took the position, and I believe I was right, that the Capitol of the State was the property of all the people of the State, and that every Tennessean, man or woman, who had pride in the State wanted to see the Capitol beautified and preserved from the ravages of time. The legislature appropriated money to protect the Capitol and preserve the grounds, and any one who has been there recently, I think, will see the grounds are better kept and the Capitol in better condition than ever. I did not believe that an annex could be built to that Capitol without destroying the symmetry and beauty of its architecture, and so I recommended that an annex be purchased or the building be erected, and the Legislature appropriated twenty-three thousand dollars to buy the property immediately in front of the Capitol grounds. I recognized also that agriculture was the strongest right arm of the State; that Tennessee was an agricultural State, and long after our almost inexhaustible mines of coal and iron and phosphate were exhausted, that agriculture would remain the chief



source of profit and wealth to the people, and I recommended that farmers' institutes be encouraged that an agricultural experiment station be built, and that other things be done to strengthen this arm of the public service. The Legislature in part responded to this; a pure food law was passed, which prevented the adulteration and misbranding of food fed to the cattle of the State; a bill was passed against the spread of communicable diseases, and in other ways this branch of our State government was strengthened and encouraged. I also recommended that some attention be paid to the forests of Tennessee. This State is of great and magnificent reserves of wealth. At one time the primeval forests covered the entire State. At one time all rivers and streams of the State were pure and full of fish, and the woods were full of the wild game.

#### Honor Enough for All.

"But the honor of this change is large enough for us all, and the criticisms of Mr. Carmack do not detract from that honor. We all know that the educational system in this State needed revision; that it needed uniformity. It has never been changed since the school system was established in 1873. There were three sources of raising revenue for schools--one was from the State, the other from the county and the other from the district as provided by the bill. The Supreme Court of Tennessee two years later declared that part of the law relating to district taxation was unconstitutional. And if I had lived then and had been for the school bill I would have been denounced by Senator Carmack. He holds me responsible for a decision of the Supreme Court of Tennessee and for the passage of a bill that the Supreme Court has declared unconstitutional. After the Supreme Court declared this part of the law unconstitutional the question arose about the distribution of the money.

"This bill unfortunately left, or this decision rather, the district the unit of disbursement, while the county and the State were paying the revenues to run the educational interests of the State of Tennessee. Then it was that we had these school directors in every civil district, sometimes multiplied as many as three in every school district in Tennessee. Under the law there arose up in Tennessee a cumbersome and unsystematic way of handling the school fund of the State, and often this money was wasted, extravagantly; too often incompetent teachers employed to teach the boys and girls of Tennessee, too often these teachers were paid such miserably poor salaries that good teachers could not be employed and would not take employment for the pitiful sum. I recommended the County Board law in lieu of the old directory system, and the Legislature, after a hard fight passed it; and whenever I wanted a bill passed through that legislature, my fellow citizens, I had to make a fight for it, no matter how good it was. There were hostile influences there who had never forgiven me for the crime of success.

#### Charge of Extravagance.

"My friend, the distinguished Senator, talks about extravagance and says how much money you have spent. Yes, we have spent money, but we have spent it in right directions. The people know where every dollar of the public money has gone. In 1905 to 1907, two years, Tennessee appropriated only \$6000,000 to the school children of the entire State. It was wrong. Tennessee was too rich, her people too proud, her children were too precious to suffer for the want of an education. To educate the people is the first duty of a sovereign power; to neglect it is a crime. Three-fourths of all the men in our penitentiaries are ignorant and uneducated men. What the State spends on its boys and girls it will many times win back on its men and on its women. I recommended this increase, and what did your children get? They got \$1,101,063.75. I am blamed for signing the bill to repeal the charter of Memphis, when eleven of



of her representatives agreed to the bill, being a local matter entirely, and yet I am given no credit for signing these two bills. That is a difference of \$431,000 in favor of my administration. Senator, you charge this administration with extravagance. Is this extravagance?

#### Pensions for Old Soldiers.

"It has been said in some of these little newspapers that I don't think could live without mentioning my name forty times a week, and always in terms that are not very complimentary. Some of them have said that I was opposed to granting pensions to the old Confederate soldiers. Oh, how sad that is. I am a Southern man. I was born in Southern soil, and, thank God, every breath in my body is for the South. My father wore the gray for four long years, and I as a son never inherited a single dollar, but I was richer still because I inherited the name of a Confederate soldier. You tell me that I am against the old soldier when I appointed more of them to office than any other man in the Governor's office for ten years has done, in spite of the fact that they are growing older and older day by day. You stand before this audience and denounce me in unmeasured terms for appointing an Election Commission and saying that I am partisan there. The Chairman of the Board of Election Commissioners for Tennessee is B.R. Richardson, a wholesale shoe and boot dealer in Nashville, and as brave a Confederate soldier as ever marched out to meet an enemy. Not only that, but he voted for you. He is not for you now, and that is the reason you think this Board of Election Commissioners is all wrong. I recommended in my message to the Legislature an increase of pensions for the old soldiers who wore the gray. Day after day they were passing away. The bugle was sounding from across the river and some old soldier was laying down his burden and going to the shades of the other shore to rest. They were fast passing over to join their comrades in the silent bivouac of the dead. I wanted, if I could, to

make the pathway of these old soldiers to the grave as easy as I could, and I believed that the people of the State of Tennessee, out of their taxes, were willing that a part should be set aside so that no soldier who wore the gray should in his old age suffer any want from the cruel grip of penury. What was the result? One thousand and thirty-six soldiers were added to the pension rolls, and 631 to the roll of widows, and the pensions increased \$95,516 a year, and there is now paid by the State, as I now remember, somewhere in the neighborhood of \$396,000 every year. At the head of the military department of this State I placed another Confederate soldier, the Honorable Tully Brown, whom my friend here has mentioned in terms of discouragement, the son of a distinguished former Governor of Tennessee; a man who rode with that wizard saddle, Nathan Bedford Forrest, for four years.

"And then I went to Memphis for the son of the great calvary leader, Capt. Billy Forrest, who went out with his father when he was only seventeen years of age, who received four different wounds during the war, and he was a man then a little past sixty years and paralysis had almost destroyed his speech. I took that man and I asked the Prison Commissioners if they could find him some easy place at the State Penitentiary to work, so that he might not suffer in his age and poverty, but the gentleman does not want to give me credit for anything at all.

#### Railroad Rates.

"He says that I am not responsible for any railroad rate reductions in this State, and the Railroad Commission is responsible for it all. I am not here to argue the question whether I am responsible for it or the Railroad Commission is responsible for it or not; what difference does it make? You would criticize me either way. My fellow citizens, the fact is that I called the railroad Presidents together for a consultation. Where did it occur? It occurred in my office; I invited the Railroad Commission there



to be at that conference. They communicated with me, it seems, and the conference was called. The Railroad Commission was there, and I invited the Railroad Commission there. I was trying to get reduced rates for the people of Tennessee without a lawsuit, and accomplished as much, without an extra session, involving the expenditure of thousands of dollars; without expensive litigation and the payment of large attorneys' fees, by a single conference, as has been accomplished by any Southern State, after extra sessions had been called and large sums of money had been spent.

"On 1,076 miles of railroad in this State a 2½-cent fare prevails. Now I want to say to the Railroad Commission that it did its part in this work,; I am not criticising. It helped me and I know I was invaluable to it.

#### Party Nominations.

"I want to talk to you just a moment now about the party nominations, and I will be through. Senator Carmack complains bitterly about the election laws and the power that is lodged in my hands--the power, gentlemen, is out of my hands by legislative enactment. Twice did I recommend a bill to the Legislature--once I recommended that the Legislature should elect three men, and after only fifteen days had passed, and I saw the violent opposition to that plan, I recommended then that the Governor be given the power to appoint an Election Board; that this be confirmed by the Senate, and that plan was taken up and passed, but I recommended the law just as it was in the Democratic platform in two separate messages to the Legislature.

These Commissioners of Election are appointed by me. Who are they? The Chairman; he is not a partisan. He is a Democrat. He is a gentleman. He supported you in your race for United States Senator. Mr. Robertson, of Wilson County, is the other Democratic member, a man of the very highest standing as a lawyer, as a citizen and as a Democrat. Then upon that board I appointed F. A. Raht, of Coffee County, as the Republican member. These



Gentlemen have since that time exercised all the power that I or any other Governor has exercised. If some other law had been passed I would have signed that law. The Legislature passed this law. It was the best they would pass, though I recommended another law, and I signed this and carried out the Legislature's will.

"He asked me what has been accomplished in Tennessee. Let me tell him I made a fight for honest elections in this State, and since I have been Governor of Tennessee hotly contested elections have occurred in all the big cities--Chattanooga, Memphis, Nashville, Knoxville--and there has not been a charge of election fraud since I took the office and named this Election Board. Before that time it was charged in a single large county of this State that a certain distinguished gentleman, who is now running for an office, received a majority of over 4,000 votes, when many people think there were not 4,000 votes cast in the entire county.

#### Plan of Nomination

"Again, my fellow citizens, he complains of the plan to nominate candidate for Governor. He says I once said that I was in favor of a direct vote of the people. I was, and I am now, and the people under this plan are getting a direct vote.

"He complains because other people don't do things that I say I am for. He complains at me because the Speaker of the Senate, Mr. Tollett, made a motion in regard to an education bill, as if I or any other man was the keeper of Tollett's conscience. Who is Tollett, whose manhood and independence you reflect upon? He was your friend and voted for you.

"My fellow citizens, this plan is the plan of the State Executive Committee, which had the power to formulate the plan. It is the very plan that the Convention that nominated me and gave this committee its life and the authority to promulgate a method of nominating the candidates for Governor approved.



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He says that under it a man may be nominated that does not get the majority of the votes. I know that is true. But under his very plan that he put forward, exactly the same thing was true. His plan of 1901 provided that the men who get the highest number of votes should be nominated. It just happens that there are two candidates for Governor, but there are four candidates for Supreme Court Judge, but the man who received the nomination under your plan would have been a minority candidate. Suppose another man was running? You were not the only man that can run against me. The gentleman seems to think that no one else has the slightest right but himself. I say that this bluster, froth, sound, fury signifieth nothing except the overweening vanity of certain men who could not have their own way in Tennessee. The plan you and your friends proposed to that Committee was but a cloak and an invitation to State-wide fraud, in the most important of all particulars, namely, the selection of the judges and the clerks. If you have honest election officers you won't have a dishonest election, and you know it. Under his plan the ward and district committeemen all over the ninety-six counties should name or select, giving their lists of the judges and clerks to be selected by the County Committee from those lists, and while it was true, it was provided that they should be taken as nearly as possible and made equal, there was no rule to compel this.

"But, under our plan, Mr. Carmack has the right to name his own election officers. He criticised Mr. M. Brandon, who offered this plan, and who is he? One of the finest gentlemen, the most sterling Democrat in Tennessee, a man that you have once said managed a certain campaign in a manly and straightforward way.

"The convention declared, not for a State-wide primary; the State-wide primary was not voted down, but was made in the Convention and did not get even a second, there was so little sentiment in its favor in the Democracy of the State. On the contrary, it instructed the committee to formulate this plan,



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and the committee did one better than that. Instead of leaving it to delegates, it left it to the people themselves, to instruct their counties for themselves and every man in Tennessee now has the right to go to the polls and vote for Mr. Caraman if it suits him to do so, and to vote for me, if it suits him-- not for delegates at all, but directly for the candidate of his choice, and he is going to have his vote counted as cast, because the Senator has his election officers there and I will have mine.

#### Temperance Question

"I want, my fellow citizens, now to discuss another great question, and that is the one that has been injected into this campaign contrary to the platform of the Democratic party, and it seems to be a fashion with my friend to criticise everything the Democratic party has done, and the platform and the pledges of the party itself. As Governor of this State, I said if I was elected, I would sign every bill repealing the charter of every town and every city in Tennessee where the people had voted out liquor, and I kept that promise to the people of this State. I signed, as Governor of Tennessee, the bill to abolish the charters of Knoxville, Jackson, Bristol, Clarksville, Columbia, Mt. Pleasant, Winchester and Lynchburg, because the people wanted those charters changed. I vetoed the LaFollette bill, because the people did not want that charter changed. I have no apology for vetoing the LaFollette bill. I vetoed the jug bill because it was legislative nonsense and hysterical. And I want to call the attention of the people of Tennessee to both of these vetoes. The Legislature sustained them, and the reasons were sound. The Legislature that passed the bills sustained the vetoes by the same constitutional majority that it took to pass the bills, could have passed them over the vetoes that I rendered. I recommended another thing, talking about this question, and that was that the tax on the saloon keeper and the liquor interests of Tennessee be increased, and the Legislature doubled the tax. I signed the bills driving out of Tennessee 400 saloons and



and over, and yet with this doubling of the tax \$64,000 more was collected under my administration than in 1906, and \$71,000 more than in 1905. The Democratic platform declares for local self-government on this question, and as long as I remain a Democrat I will stand on the Democratic platform. Whenever I get ready to leave the Democratic party on this question I will stand on some other kind of a platform.

"My fellow citizens, I have reduced to writing, which I will ask to be published as I have it, my views upon this question. They are very short. How much time have I," (Someone answered the Governor that he had thirty minutes.)

"Possibly I have time to read it to you. It is unfortunate and unnecessary that the liquor question should arise to become a disturbing factor in the politics of this State. It is unfortunate because the minds of the people may be diverted from other questions of importance and prevent their calm and dispassionate consideration. It is unnecessary, for prohibition laws now prevail throughout the entire State, except in the one town of LaFollette and the three cities, Memphis, Nashville and Chattanooga. The Pendleton bill, which I signed, extends the Adams law to these four places, and under it the people can vote and abolish their charters and reincorporate under prohibition laws. This law was demanded by the leaders of the anti-saloon movement. The reason urged, and the only reason, being to give every community throughout the entire State the right to vote liquor out. This law was not demanded by the larger cities. On the contrary, it was opposed, and I approved it, though it seemed to be contrary to our platform, believing that it would eliminate the liquor question from politics, and at the same time leave to the people of these localities the right to vote liquor out just as other towns in Tennessee have done. The law was meaningless and useless except as to the means of abolishing the



sale of liquor in the cities where it was still sold, under the form of, consent and local self-government, and that was the very purpose of its passage.

#### Prohibition Bill

"If the Democratic party reverses its present position and declares for State-wide prohibition in its next platform, I would, if I accepted the nomination and was elected, follow the instructions of my party and sign the general prohibition bill. If the platform was silent on this subject, and I was left to my own discretion and judgment of what was democratic and fair I would veto a State-wide prohibition bill. I would veto such a bill on several grounds. First, because it would not be fair to force prohibition laws upon the people of Memphis, Nashville and Chattanooga against their consent, and when these laws have been applied to other places in Tennessee with the consent of the people of those places. Second, because, to force these laws upon communities before public sentiment demands them, will bring the law itself into disrepute and the resultant evils will be greater than those sought to be avoided. Third, because the Democratic party has never committed itself to compulsory prohibition and I do not believe it to be sound Democratic doctrine. Fourth, because if the Legislature should pass a State-wide prohibition bill without the consent of people, it could also pass a State-wide license bill without their consent and force them to submit. If the rule of consent and the principles of local self-government should be abandoned the towns which have voted liquor out, and whose charters now contain provisions against its sale, might have charters forced upon them permitting the sale of liquor. I am in no sense the advocate of the saloon, nor do I wish to be understood as a defender of the liquor traffic, but I do want to be understood as an advocate of the Democratic principles applied to the liquor question in Tennessee, and as upheld in the past by the Democratic party.

"In my judgment, to abandon those principles at the behest of men who are



making of this question a football of politics, is to abandon alike their own position, all of the progress heretofore made in the cause of temperance, and to subject every Tennessee town where liquor has been voted out to the danger of legislating it back without the consent of the people. I believe the conservative, genuine temperance sentiment of Tennessee is opposed to this plan, unclouded by partisanship and party politics.

"The Senator says he is now in favor of State-wide prohibition. When did you get to be in favor of it? When did this change of heart take place; is it not curious it took place just about the time he wanted to save the Democratic party and the State of Tennessee from me. My friends, you will remember he was a member of the Legislature in 1885. It is a public record and I have the right to speak on it, just as you have on mine. What did you do there--there came up a question of constitutional prohibition. To submit it to whom? To the people that you talk so much about? And what did you do? You voted against submitting it to the people of Tennessee, and after it was passed over your vote, you took the stump and you went out before the people and tried to convince them, and you did succeed that it was unwise, and so they voted down the constitutional amendment in favor of prohibition. From that time until you spoke here tonight, have you ever said once that you were in favor of State-wide prohibition? You say that you are a candidate for Governor. Why did not you give the people of Tennessee the benefit of your great views on this subject six months ago? Or was my friend a hung jury on this question? Had he fully made up his mind on which side of the fence to crawl? Had he fully determined which was the strong st side?

Carmack's 1906 Speech.

"Speaking of Senator Taylor and himself on prohibition, he said:

"I did oppose the prohibition amendment; I was then, and am now, opposed to the principle of putting penal police legislation in the Constitution.

I was then, and am now, opposed to attempting by a general law to forbid the sale of whisky in all of the counties of the State, I was then, and am now, in favor of proceeding through the action of separate counties where the law is to be enforced whenever public sentiment will sustain or demand the enforcement of the law, I am in favor of the application of the law.



Significant passages from Senator E.W. Carmack's Rejoinder to Governor Fatt's Response in the Carmack-Patterson campaign of 1908. Given at Chattanooga, April 16, 1908.

#### His Temperance Record.

"My competitor, in the close of his speech, grew very sarcastic over my record on the temperance question. My countrymen, there is only one class of people in the city of Chattanooga and in every other city in Tennessee who thoroughly understand, and have no doubt whatever as to where are the sympathies of either myself or my competitor, and these are the saloonkeepers. I will say to my competitor he will never be able to raise a doubt in the mind of any saloonkeeper in the city of Chattanooga or elsewhere as to where I stand on this question, and he will never be able to convince the temperance voters in Chattanooga or elsewhere that he stands anywhere else except upon the side of the saloon. My competitor grew very sarcastic over the fact that I was opposed to the prohibition amendment. The logic of his argument is that I ought to be elected Governor of Tennessee because twenty-one years ago I was no better than he is now.

#### Hobgoblin Consistency.

"My countrymen, when my competitor arraigned me on the charge of inconsistency I beg leave to remind him of a saying of his distinguished father, that consistency is the hobgoblin of little minds. And I wish to say to him further, if his conduct in the future is not very inconsistent with his conduct in the past he will have a great deal of trouble with old St. Peter when he gets to the gate.

"It is true, my friends, that I have progressed on this question, like thousands of other people in this State, and I have got to be in favor of State-wide prohibition, just about the time that Governor Patterson and the saloonkeeper got to be in favor of local option.

"I called your attention, my countrymen, to the solemn promises which



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Governor Patterson made on every stump in Tennessee, and upon which he arraigned his competitor on every stump in Tennessee and I call attention to the fact of record that not one of these promises have been redeemed. He stayed here for two hours, and at the end of the two hours he had not named a single promise he made to the people which he made to the people which he kept as Governor.

#### Legislative Recommendations.

"My competitor says I made recommendations to the Legislature, but the Legislature would not do what I asked them to do. His own organ in the city of Memphis boasted of the fact that Governor Patterson had recognized both of the houses of the Legislature; that he had elected Speakers of the houses to suit himself. There was not an important committee in either house that was not controlled by his friends. Yet he now tells you that he had no power, that he had no influence, that his persuasion fell on deaf ears, and that no man regarded him; that after making all these promises, when he came into office some other influence came into power and defeated all the reforms for which he stood. Ladies and gentlemen, if we accept that defense we may excuse Governor Patterson, but at the same time I wish to say to you that the Democratic party is entitled to have a Governor who can command the respect of the Democratic Legislature, and who has some influence with his own administration.

#### Memphis Charter Bill

"But my competitor says I charge him with the great crime of signing the Memphis charter bill, supported by the local delegation, a local measure. I have never charged him with signing the Memphis charter bill. I charge him with being the father of that monstrous iniquity. I charge him with having made personal appeals and solicitations to members of the legislature to



procure the passage of a bill which the Supreme Court of Tennessee says violated the Constitution of the State seventeen times, which gave to his hive of appointees the right to go out and destroy the properties of the farmers of Shelby County, and to levy taxes and impose burdensome and oppressive tax on them to be spent inside of the city. This charge I made against him, and he closed his speech without denying it.

#### Mr. Richardson's Vote

"My competitor defended the election law. He made a beautiful and splendid tribute to Mr. Richardson. The best thing he said about Richardson was that he voted for me, and ordinarily that would be a fine tribute to his character, if I didn't happen to know the fact that the way Richardson came to vote for me was that he swapped to get a vote for my competitor. He says that Mr. Richardson whom he appointed, is a good man. Let me tell you how Governor Patterson himself answered that. He said, speaking about the old election law, while good men are sometimes appointed irrespective of faction, this does not save the law from infamy. And he has kept the law. He has kept the law just as it was, except that it gives him a little more power and a little more appointment, and however good a man Richardson may be, it does not save that law from infamy.

"He defends this primary. He says, 'Why, the convention was responsible for that--the convention ordered them not to nominate a candidate by a direct primary.' Well, you didn't understand it so at the time, for long after the convention had adopted that resolution you went upon the stump and still declared for a direct primary. What does this defense mean? Governor Patterson had gone over the State from one end to the other denouncing his opponent and the Democratic committee for denying him a direct primary. He won a great victory upon that issue. He had a convention there absolutely controlled by him and he now tells you that his very first act in the very first hour of his

triumph was to write a plank into the Democratic platform indorsing the action of his opponent and concerning his own.

#### The Carson Plan.

"My countrymen, another thing he said about this primary: He takes the plan that I offered and said it means State-wide fraud. Why, my countrymen, I did not invent that plan, it was the plan provided for in the act of 1901, and if the plan was fraudulent it was because the law was fraudulent and dishonest. That law was enacted by a Democratic Legislature and was signed by Benton McMillin, and Governor Patterson's charge is that Governor McMillin and a Democratic Legislature foisted upon the State a law to promote political rottenness and corruption, and that every subsequent Democratic administration including his own, has preserved and perpetuated the infamy. He was shouting for a direct primary when he was a candidate. Why did not this great champion of the direct primary, when he got into office, try to cure the defects of that law. But, my countrymen, the answer is that the primaries have been held in every county of Tennessee under the very terms of that law, and nobody except Governor Patterson has discovered the monstrous iniquity of the plan."

Nashville American, April 17, 1902.



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